



February 22, 2008

ENGROSSED

HOUSE BILL No. 1134

DIGEST OF HB 1134 (Updated February 19, 2008 4:39 pm - DI 106)

Citations Affected: IC 11-8; IC 11-13; IC 20-30; IC 34-24; IC 35-38; IC 35-42; IC 35-45; IC 36-2; noncode.

Synopsis: Sex offenders. Requires a sex or violent offender to report the offender's electronic mail address and certain Internet user names. Establishes a three tier system for sex offenders and requires offenders: (1) in Tier 3 to register for life; (2) in Tier 2 to register for 25 years; and (3) in Tier 1 to register for 15 years. Permits Tier 1 offenders to reduce their registration period by five years if they meet certain requirements, and establishes a judicial procedure to implement this reduction. Classifies persons convicted of Class A or Class B felonies violent offenders if the difference between the person's release date and the person's post incarceration supervision is less than sixty (60) days due to facility rule violations, and provides that violent offenders are required to register for life. Requires the department of correction ("the department") to determine the appropriate classification and registration period for sex or violent offenders and establishes a judicial procedure to challenge the department's determination. Specifies that persons who commit criminal deviate conduct in a correctional facility
(Continued next page)

Effective: July 1, 2008.

**VanDenburgh, Lawson L,
Steuerwald, Richardson**

(SENATE SPONSORS — STEELE, LANANE, ZAKAS, WATERMAN)

January 8, 2008, read first time and referred to Committee on Judiciary.
January 24, 2008, amended, reported — Do Pass.
January 29, 2008, read second time, amended, ordered engrossed.
January 30, 2008, engrossed. Read third time, passed. Yeas 90, nays 0.

SENATE ACTION

February 5, 2008, read first time and referred to Committee on Corrections, Criminal and Civil Matters.
February 21, 2008, amended, reported — Do Pass.

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are required to register as a sex or violent offender. Requires local law enforcement to notify schools, public housing agencies, and other organizations in each county a sex offender registers when the offender registers or updates a registration. Makes numerous changes to the sex and violent offender registration requirements, including requirements related to providing electronic mail and other Internet usernames. Provides that, as a condition of probation or parole, a sex offender: (1) must consent to the search of the sex offender's computer at any time; (2) must permit installation on the sex offender's computer or device with Internet capability of hardware or software to monitor the sex offender's Internet usage; (3) must be prohibited by a probation or parole officer from using or accessing certain web sites, chat rooms, or instant messaging programs; and (4) may not delete, erase, or tamper with information on the sex offender's computer that relates to Internet usage. Requires a school corporation to include a mandatory instructional unit on safely using the Internet for grades 3 and above. Specifically provides that law enforcement officials may seize computers, cellular telephones, and other equipment used to commit or facilitate, or intended to be used to commit or facilitate, sex crimes. Specifies the court in which a petition must be filed to remove the designation as a sexually violent predator or an offender against children, and provides that the petitioner has the burden of proving that the designation should be removed. Specifies that, for purposes of sex offender exclusion zones, the distance between the residence of the sex offender, if applicable, and another piece of property is measured from the property line of the sex offender's residence to the property line of other piece of property. Requires a court or the parole board to prohibit, as a condition of probation or parole, a sex offender from residing or loitering within 500 feet of school property, a youth program center, or a public park if children are present. Increases the penalty for child molesting to a Class B felony if the child is compelled to submit to the fondling or touching by force or the threat of force. Makes it a sex offender residency offense, a Class D felony, for certain sex offenders to knowingly or intentionally reside within 500 feet of a charter school or a child care center, child care home, or child care ministry. Makes it a Class D felony for certain sex offenders to use a social networking Internet web site or an instant messaging or chat room program that the offender knows is frequented by children and if the offender contacts a child or a person the offender believes is a child through the website or program. Enhances the penalty if the person has a prior conviction, and provides a defense if the sex offender did not know that the site was frequented by children or immediately discontinues uses of the service upon learning that the site is frequented by children. Makes it child seduction, a Class D felony, for an armed forces recruiter to engage in sexual conduct with a child who is at least 16 years of age but less than 18 years of age who attends the public or nonpublic school to which the armed forces recruiter has been assigned. Makes it a Class B misdemeanor for certain persons at least 21 years of age to knowingly or intentionally communicate concerning sexual activity with a child less than 14 years of age with the intent to gratify the sexual desires of the person or the child, or to entice the child to meet the person in another location. Enhances the offense to a Class A misdemeanor if it is committed by means of a computer network. Makes it a Class D felony for an offender against children to enter school property, a public park, or a youth program center knowing that children are present. Makes it a Class B misdemeanor to photograph another person in a state of nudity without the person's consent in an area in which the person has a reasonable expectation of privacy. Makes it a Class C misdemeanor to fail to destroy a photograph of another person in a state of nudity taken with that person's consent if the person later requests that the photograph be destroyed. Provides an exception for photographs taken with written consent. Enhances the

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penalty for offenses relating to indecent photography if the photographs are shown to other individuals, published, or made available on the Internet. Provides that a person at least 21 years of age who repeatedly follows, pursues, or attempts to contact a child less than 10 years of age commits child stalking, a Class D felony. Exempts certain individuals and provides a good faith defense.

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February 22, 2008

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1134

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 11-8-8-1.2 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2008]: **Sec. 1.2. As used in this chapter, "electronic chat room**
- 4 **username" means an identifier that allows a person to**
- 5 **communicate over the Internet in real time using typed text.**
- 6 SECTION 2. IC 11-8-8-1.4 IS ADDED TO THE INDIANA CODE
- 7 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 8 1, 2008]: **Sec. 1.4. As used in this chapter, "electronic mail address"**
- 9 **means a destination, commonly expressed as a string of characters,**
- 10 **to which electronic mail may be sent or delivered.**
- 11 SECTION 3. IC 11-8-8-1.6 IS ADDED TO THE INDIANA CODE
- 12 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 13 1, 2008]: **Sec. 1.6. As used in this chapter, "instant messaging**
- 14 **username" means an identifier that allows a person to**
- 15 **communicate over the Internet in real time using typed text.**
- 16 SECTION 4. IC 11-8-8-1.8 IS ADDED TO THE INDIANA CODE
- 17 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

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1, 2008]: **Sec. 1.8. As used in this chapter, "social networking web site username" means an identifier or profile that allows a person to create, use, or modify a social networking web site, as defined in IC 35-42-4-12.**

SECTION 5. IC 11-8-8-3, AS AMENDED BY P.L.216-2007, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. As used in this chapter, "principal residence" means the residence **or location** where a sex or violent offender spends the most time. The term includes a residence owned or leased by another person if the sex or violent offender:

- (1) does not own or lease a residence; or
- (2) spends more time at the residence owned or leased by the other person than at the residence owned or leased by the sex or violent offender.

SECTION 6. IC 11-8-8-4.5, AS ADDED BY P.L.216-2007, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4.5. (a) Except as provided in section 22 of this chapter, as used in this chapter, "sex offender" means a person convicted of any of the following offenses:

- (1) Rape (IC 35-42-4-1).
- (2) Criminal deviate conduct (IC 35-42-4-2), **including criminal deviate conduct committed in a correctional facility.**
- (3) Child molesting (IC 35-42-4-3).
- (4) Child exploitation (IC 35-42-4-4(b)).
- (5) Vicarious sexual gratification (including performing sexual conduct in the presence of a minor) (IC 35-42-4-5).
- (6) Child solicitation (IC 35-42-4-6).
- (7) Child seduction (IC 35-42-4-7).
- (8) Sexual misconduct with a minor as a Class A, Class B, or Class C felony (IC 35-42-4-9), unless:
 - (A) the person is convicted of sexual misconduct with a minor as a Class C felony;
 - (B) the person is not more than:
 - (i) four (4) years older than the victim if the offense was committed after June 30, 2007; or
 - (ii) five (5) years older than the victim if the offense was committed before July 1, 2007; and
 - (C) the sentencing court finds that the person should not be required to register as a sex offender.
- (9) Incest (IC 35-46-1-3).
- (10) Sexual battery (IC 35-42-4-8).
- (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen

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(18) years of age, and the person who kidnapped the victim is not the victim's parent or guardian.

(12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age, and the person who confined or removed the victim is not the victim's parent or guardian.

(13) Possession of child pornography (IC 35-42-4-4(c)).

(14) Promoting prostitution (IC 35-45-4-4) as a Class B felony.

(15) Promotion of human trafficking (IC 35-42-3.5-1(a)(2)) if the victim is less than eighteen (18) years of age.

(16) Sexual trafficking of a minor (IC 35-42-3.5-1(b)).

(17) Human trafficking (IC 35-42-3.5-1(c)(3)) if the victim is less than eighteen (18) years of age.

(18) An attempt or conspiracy to commit a crime listed in subdivisions (1) through (17).

(19) A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in subdivisions (1) through (18).

(b) The term includes:

(1) a person who is required to register as a sex offender in any jurisdiction; and

(2) a child who has committed a delinquent act and who:

(A) is at least fourteen (14) years of age;

(B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and

(C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

(c) In making a determination under subsection (b)(2)(C), the court shall consider expert testimony concerning whether a child is likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

SECTION 7. IC 11-8-8-4.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 4.6. (a) Except as provided in section 22 of this chapter, as used in this chapter, "tier III sex offender" means a person convicted of any of the following offenses:**

(1) Rape (IC 35-42-4-1).

(2) Criminal deviate conduct (IC 35-42-4-2).

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(3) Child molesting under:

(A) IC 35-42-4-3(a); or

(B) IC 35-42-4-3(b) as a Class A felony.

(4) Vicarious sexual gratification (including performing sexual conduct in the presence of a minor) under IC 35-42-4-5 if the victim is less than fourteen (14) years of age.

(5) Sexual misconduct with a minor under:

(A) IC 35-42-4-9(a)(2); or

(B) IC 35-42-4-9(b)(2).

(6) Sexual battery (IC 35-42-4-8) if the victim is less than fourteen (14) years of age.

(7) Incest (IC 35-46-1-3) if the victim is less than sixteen (16) years of age.

(8) Kidnapping (IC 35-42-3-2) if the victim is less than eighteen (18) years of age, and the person who kidnapped the victim is not the victim's parent or guardian.

(9) Criminal confinement (IC 35-42-3-3) if the victim is less than eighteen (18) years of age, and the person who confined or removed the victim is not the victim's parent or guardian.

(10) An attempt or conspiracy to commit a crime listed in subdivisions (1) through (9).

(11) A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in subdivisions (1) through (10).

(b) The term includes the following:

(1) A sexually violent predator (as defined in IC 35-38-1-7.5).

(2) A tier II sex offender who is convicted of a subsequent sex offense.

(3) A tier II sex offender who is convicted of failure to register under section 17 of this chapter.

(c) A person convicted of an offense described in this section is a tier III sex offender by operation of law if one (1) or more of the following conditions apply:

(1) The person was required to register as a sex or violent offender in Indiana on June 30, 2008.

(2) After June 30, 2008, the person is:

(A) incarcerated, on probation, on parole, on home detention, in a community corrections program, or under another form of supervision imposed as the result of the person's conviction for any offense; or

(B) released from incarceration, probation, parole, home detention, a community corrections program, or another

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form of supervision imposed as the result of the person's conviction for any offense.

(3) The person commits the offense after June 30, 2008.

SECTION 8. IC 11-8-8-4.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4.7. (a) Except as provided in section 22 of this chapter, as used in this chapter, "tier II sex offender" means a sex offender convicted of any of the following offenses:

(1) Child molesting (IC 35-42-4-3(b)) as a Class C felony.

(2) Child exploitation (IC 35-42-4-4(b)).

(3) Vicarious sexual gratification (IC 35-42-4-5(a)) as a Class D felony if the victim is thirteen (13) years of age or older.

(4) Child solicitation (IC 35-42-4-6).

(5) Child seduction (IC 35-42-4-7).

(6) Sexual battery (IC 35-42-4-8) if the victim is at least fourteen (14) years of age but less than eighteen (18) years of age.

(7) Sexual misconduct with a minor under IC 35-42-4-9(a)(1) or IC 35-42-4-9(b)(1), unless:

(A) the person is convicted of sexual misconduct with a minor as a Class C felony;

(B) the person is not more than:

(i) four (4) years older than the victim if the offense was committed after June 30, 2007; or

(ii) five (5) years older than the victim if the offense was committed before July 1, 2007; and

(C) the sentencing court finds that the person should not be required to register as a sex offender.

(8) Incest (IC 35-46-1-3) if the victim is sixteen (16) years of age or older.

(9) Promoting prostitution (IC 35-45-4-4) as a Class B felony.

(10) Promotion of human trafficking (IC 35-42-3.5-1(a)(2)) if the victim is less than eighteen (18) years of age.

(11) Sexual trafficking of a minor (IC 35-42-3.5-1(b)).

(12) Human trafficking (IC 35-42-3.5-1(c)(3)) if the victim is less than eighteen (18) years of age.

(13) An attempt or conspiracy to commit a crime listed in subdivisions (1) through (12).

(14) A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in subdivisions (1) through (13).

(b) The term includes the following:

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(1) A tier I sex offender who is convicted of a subsequent sex offense.

(2) A tier I sex offender who is convicted of failure to register under section 17 of this chapter.

(c) A person convicted of an offense described in this section is a tier II sex offender by operation of law if one (1) or more of the following conditions apply:

(1) The person was required to register as a sex or violent offender in Indiana on June 30, 2008.

(2) After June 30, 2008, the person is:

(A) incarcerated, on probation, on parole, on home detention, in a community corrections program, or under another form of supervision imposed as the result of the person's conviction for any offense; or

(B) released from incarceration, probation, parole, home detention, a community corrections program, or another form of supervision imposed as the result of the person's conviction for any offense.

(3) The person commits the offense after June 30, 2008.

SECTION 9. IC 11-8-8-4.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4.8. (a) As used in this chapter, "tier I sex offender" means a sex offender who is not a tier III sex offender or a tier II sex offender.

(b) A person convicted of an offense referred to in section 4.5 of this chapter but not referred to in section 4.6 or 4.7 of this chapter is a tier I sex offender by operation of law if one (1) or more of the following conditions apply:

(1) The person was required to register as a sex or violent offender in Indiana on June 30, 2008.

(2) After June 30, 2008, the person is:

(A) incarcerated, on probation, on parole, on home detention, in a community corrections program, or under another form of supervision imposed as the result of the person's conviction for any offense; or

(B) released from incarceration, probation, parole, home detention, a community corrections program, or another form of supervision imposed as the result of the person's conviction for any offense.

(3) The person commits the offense after June 30, 2008.

SECTION 10. IC 11-8-8-5, AS AMENDED BY P.L.216-2007, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2008]: Sec. 5. (a) Except as provided in section 22 of this chapter, as used in this chapter, "~~sex~~ or "violent offender" means a person convicted of any of the following offenses:

- (1) Rape (IC 35-42-4-1);
- (2) Criminal deviate conduct (IC 35-42-4-2);
- (3) Child molesting (IC 35-42-4-3);
- (4) Child exploitation (IC 35-42-4-4(b));
- (5) Vicarious sexual gratification (including performing sexual conduct in the presence of a minor) (IC 35-42-4-5);
- (6) Child solicitation (IC 35-42-4-6);
- (7) Child seduction (IC 35-42-4-7);
- (8) Sexual misconduct with a minor as a Class A, Class B, or Class C felony (IC 35-42-4-9); unless:
 - (A) the person is convicted of sexual misconduct with a minor as a Class C felony;
 - (B) the person is not more than:
 - (i) four (4) years older than the victim if the offense was committed after June 30, 2007; or
 - (ii) five (5) years older than the victim if the offense was committed before July 1, 2007; and
 - (C) the sentencing court finds that the person should not be required to register as a sex offender;
- (9) Incest (IC 35-46-1-3);
- (10) Sexual battery (IC 35-42-4-8);
- (11) Kidnapping (IC 35-42-3-2); if the victim is less than eighteen (18) years of age; and the person who kidnapped the victim is not the victim's parent or guardian;
- (12) Criminal confinement (IC 35-42-3-3); if the victim is less than eighteen (18) years of age; and the person who confined or removed the victim is not the victim's parent or guardian;
- (13) Possession of child pornography (IC 35-42-4-4(c));
- (14) Promoting prostitution (IC 35-45-4-4) as a Class B felony;
- (15) Promotion of human trafficking (IC 35-42-3.5-1(a)(2)) if the victim is less than eighteen (18) years of age;
- (16) Sexual trafficking of a minor (IC 35-42-3.5-1(b));
- (17) Human trafficking (IC 35-42-3.5-1(c)(3)) if the victim is less than eighteen (18) years of age;
- (18) (1) Murder (IC 35-42-1-1).
- (19) (2) Voluntary manslaughter (IC 35-42-1-3).
- (20) (3) An attempt or conspiracy to commit a crime listed in subdivisions (1) through (19); (2).
- (21) (4) A crime under the laws of another jurisdiction, including

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a military court, that is substantially equivalent to any of the offenses listed in subdivisions (1) through ~~(20)~~: (3).

(5) A person who is incarcerated for a Class A or Class B felony if:

(A) the person served a sentence in a facility maintained by the department after June 30, 2008; and

(B) the difference between the person's release date and the person's post incarceration supervision is less than sixty (60) days due to facility rule violations.

(b) The term includes:

(1) a person who is required to register as a ~~sex~~ or violent offender in any jurisdiction; and

(2) a child who has committed a delinquent act and who:

(A) is at least fourteen (14) years of age;

(B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and

(C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

(c) In making a determination under subsection (b)(2)(C), the court shall consider expert testimony concerning whether a child is likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

SECTION 11. IC 11-8-8-5.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 5.3. As used in this chapter, "sex or violent offender" means a person who is:**

(1) a sex offender under section 4.5 of this chapter;

(2) a violent offender under section 5 of this chapter; or

(3) both subdivisions (1) and (2).

SECTION 12. IC 11-8-8-7, AS AMENDED BY P.L.216-2007, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 7. (a) Subject to section 19 of this chapter, the following persons must register under this chapter:**

(1) A sex or violent offender who resides in Indiana. A sex or violent offender resides in Indiana if either of the following applies:

(A) The sex or violent offender spends or intends to spend at

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1 least seven (7) days (including part of a day) in Indiana during
 2 a one hundred eighty (180) day period.

3 (B) The sex or violent offender owns real property in Indiana
 4 and returns to Indiana at any time.

5 (2) A sex or violent offender who works or carries on a vocation
 6 or intends to work or carry on a vocation full-time or part-time for
 7 a period:

8 (A) exceeding seven (7) consecutive days; or

9 (B) for a total period exceeding fourteen (14) days;
 10 during any calendar year in Indiana regardless of whether the sex
 11 or violent offender is financially compensated, volunteered, or is
 12 acting for the purpose of government or educational benefit.

13 (3) A sex or violent offender who is enrolled or intends to be
 14 enrolled on a full-time or part-time basis in any public or private
 15 educational institution **in Indiana**, including any secondary
 16 school, trade, or professional institution, or postsecondary
 17 educational institution.

18 (b) Except as provided in subsection (e), a sex or violent offender
 19 who resides **or expects to reside as described in section 9(a)(3) of**
 20 **this chapter** in Indiana shall register with the local law enforcement
 21 authority in the county where the sex or violent offender resides **or**
 22 **expects to reside**. If a sex or violent offender resides **or expects to**
 23 **reside as described in section 9(a)(3) of this chapter** in more than
 24 one (1) county, the sex or violent offender shall register with the local
 25 law enforcement authority in each county in which the sex or violent
 26 offender resides. If the sex or violent offender is also required to
 27 register under subsection (a)(2) or (a)(3), the sex or violent offender
 28 shall also register with the local law enforcement authority in the
 29 county in which the offender is required to register under subsection (c)
 30 or (d).

31 (c) A sex or violent offender described in subsection (a)(2) shall
 32 register with the local law enforcement authority in the county where
 33 the sex or violent offender is ~~or intends to be~~ employed, ~~or carry~~
 34 **carries** on a vocation, **or expects to be employed or to carry on a**
 35 **vocation as described in section 9(a)(3) of this chapter**. If a sex or
 36 violent offender is ~~or intends to be~~ employed, ~~or carry~~ **carries** on a
 37 vocation, **or expects to be employed or to carry on a vocation as**
 38 **described in section 9(a)(3) of this chapter** in more than one (1)
 39 county, the sex or violent offender shall register with the local law
 40 enforcement authority in each county. If the sex or violent offender is
 41 also required to register under subsection (a)(1) or (a)(3), the sex or
 42 violent offender shall also register with the local law enforcement

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1 authority in the county in which the offender is required to register
2 under subsection (b) or (d).

3 (d) A sex or violent offender described in subsection (a)(3) shall
4 register with the local law enforcement authority in the county where
5 the sex or violent offender is enrolled or ~~intends~~ **expects** to be enrolled
6 as ~~a student~~. **described in section 9(a)(3) of this chapter. If a sex or**
7 **violent offender is enrolled or expects to be enrolled as described**
8 **in section 9(a)(3) of this chapter in more than one (1) county, the**
9 **sex or violent offender shall register with the local law enforcement**
10 **authority in each county.** If the sex or violent offender is also required
11 to register under subsection (a)(1) or (a)(2), the sex or violent offender
12 shall also register with the local law enforcement authority in the
13 county in which the offender is required to register under subsection
14 (b) or (c).

15 (e) A sex or violent offender described in subsection (a)(1)(B) shall
16 register with the local law enforcement authority in the county in which
17 the real property is located. If the sex or violent offender is also
18 required to register under subsection (a)(1)(A), (a)(2), or (a)(3), the sex
19 or violent offender shall also register with the local law enforcement
20 authority in the county in which the offender is required to register
21 under subsection (b), (c), or (d).

22 (f) ~~☆ For every~~ sex or violent offender committed to the
23 department, ~~shall register with the department before the sex or violent~~
24 ~~offender is released from incarceration. The department shall forward~~
25 ~~the sex or violent offender's registration information to the local law~~
26 ~~enforcement authority of every county in which the sex or violent~~
27 ~~offender is required to register. the department shall determine:~~

28 (1) **whether the person is required to register;**

29 (2) **whether the person is a:**

30 (A) **tier III sex offender;**

31 (B) **tier II sex offender;**

32 (C) **tier I sex offender; or**

33 (D) **violent offender;**

34 (3) **whether the person is a sexually violent predator under**
35 **IC 35-38-1-7.5;**

36 (4) **the period for which the person will be required to register**
37 **as a sex or violent offender in Indiana; and**

38 (5) **any other matter required by law to make a registration**
39 **determination.**

40 **The department shall enter into the registry the information**
41 **described in section 8 of this chapter before the sex or violent**
42 **offender is released from the department.**

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(g) This subsection does not apply to a sex or violent offender who is a sexually violent predator. A sex or violent offender not committed to the department shall register not more than seven (7) days after the sex or violent offender:

(1) is released from a penal facility (as defined in IC 35-41-1-21);

(2) is released from a secure private facility (as defined in IC 31-9-2-115);

(3) is released from a juvenile detention facility;

(4) is transferred to a community transition program;

(5) is placed on parole;

(6) is placed on probation;

(7) is placed on home detention; or

(8) arrives at the place where the sex or violent offender is required to register under subsection (b); (c); or (d);

whichever occurs first. A sex or violent offender required to register in more than one (1) county under subsection (b); (c); (d); or (e) shall register in each appropriate county not more than seventy-two (72) hours after the sex or violent offender's arrival in that county or acquisition of real estate in that county.

(h) This subsection applies to a sex or violent offender who is a sexually violent predator. (g) A sex or violent offender who is a sexually violent predator shall register **with the local law enforcement authority as required under subsection (b), (c), (d), or (e), or with the appropriate law enforcement agency in another jurisdiction,** not more than seventy-two (72) hours after the sex or violent offender:

(1) is released from a penal facility (as defined in IC 35-41-1-21);

(2) is released from a secure private facility (as defined in IC 31-9-2-115);

(3) is released from a juvenile detention facility;

(4) is transferred to a community transition program;

(5) is placed on parole;

(6) is placed on probation;

(7) is placed on home detention; ~~or~~

(8) arrives at the ~~place~~ **location** where the ~~sexually violent predator sex or violent offender~~ is required to register under subsection (b), (c), ~~or~~ (d), ~~or~~ (e); ~~or~~

(9) arrives at the location in a jurisdiction outside Indiana where the sex or violent offender is required to register;

whichever occurs first. A sex or violent offender who is a ~~sexually violent predator~~ required to register in more than one (1) county under subsection (b), (c), (d), or (e) shall register in each appropriate county not more than seventy-two (72) hours after the offender's arrival in that

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county or acquisition of real estate in that county.

(i) The local law enforcement authority with whom a sex or violent offender registers under this section shall make and publish a photograph of the sex or violent offender on the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5. The local law enforcement authority shall make a photograph of the sex or violent offender that complies with the requirements of IC 36-2-13-5.5 at least once per year. The sheriff of a county containing a consolidated city shall provide the police chief of the consolidated city with all photographic and computer equipment necessary to enable the police chief of the consolidated city to transmit sex or violent offender photographs (and other identifying information required by IC 36-2-13-5.5) to the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5. In addition, the sheriff of a county containing a consolidated city shall provide all funding for the county's financial obligation for the establishment and maintenance of the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5.

(j) (h) When a sex or violent offender registers, the local law enforcement authority shall:

(1) immediately update the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5;

(2) notify every law enforcement agency having jurisdiction in the county where the sex or violent offender ~~resides~~; **is registered**;

(3) notify every:

(A) school;

(B) day care center;

(C) head start program (42 U.S.C. 9831 et seq.);

(D) public housing agency;

(E) social service entity responsible for protecting minors in the child welfare system; and

(F) volunteer organization in which contact with a minor or other vulnerable individual might occur;

located in the county where the sex or violent offender is registered; and

(3) (4) update the National Crime Information Center National Sex Offender Registry data base via the Indiana data and communications system (IDACS).

When a sex or violent offender from a jurisdiction outside Indiana registers a change of address, **electronic mail address, instant messaging username, electronic chat room username, social networking site username**, employment, vocation, or enrollment in to

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1 Indiana, the local law enforcement authority shall provide the
2 department with the information provided by the sex or violent
3 offender during registration.

4 **(i) If a sex or violent offender fails to register as required under**
5 **subsection (b), (c), (d), or (e) as required in this section, the local**
6 **law enforcement authority in the destination county shall**
7 **immediately notify the department and request that the**
8 **prosecuting attorney in the county pursue a failure to register**
9 **warrant for a violation of section 17 of this chapter. If the offender**
10 **fails to register in a jurisdiction outside Indiana, the department**
11 **shall contact the United States Marshals Service.**

12 SECTION 13. IC 11-8-8-8, AS AMENDED BY P.L.216-2007,
13 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2008]: Sec. 8. **(a) The registration required under this chapter**
15 **must include the local law enforcement authority or other agency**
16 **responsible for registering or updating the registration of a sex or**
17 **violent offender shall collect or update the following information:**

18 (1) The sex or violent offender's full name; alias; any name by
19 which the sex or violent offender was previously known; date of
20 birth; sex; race; height; weight; hair color; eye color; any scars;
21 marks; or tattoos; Social Security number; driver's license number
22 or state identification card number; vehicle description and
23 vehicle plate number for any vehicle the sex or violent offender
24 owns or operates on a regular basis; principal residence address;
25 other address where the sex or violent offender spends more than
26 seven (7) nights in a fourteen (14) day period; and mailing
27 address; if different from the sex or violent offender's principal
28 residence address.

29 (2) A description of the offense for which the sex or violent
30 offender was convicted; the date of conviction; the county of the
31 conviction; the cause number of the conviction; and the sentence
32 imposed; if applicable.

33 (3) If the person is required to register under section 7(a)(2) or
34 7(a)(3) of this chapter; the name and address of each of the sex or
35 violent offender's employers in Indiana; the name and address of
36 each campus or location where the sex or violent offender is
37 enrolled in school in Indiana; and the address where the sex or
38 violent offender stays or intends to stay while in Indiana.

39 (4) A recent photograph of the sex or violent offender.

40 (5) If the sex or violent offender is a sexually violent predator;
41 that the sex or violent offender is a sexually violent predator.

42 (6) If the sex or violent offender is required to register for life;

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that the sex or violent offender is required to register for life.

(7) Any other information required by the department.

(1) Name identifiers, including the following:

(A) The full name.

(B) Any alias or previous name.

(2) Communication identifiers, including the following:

(A) Any telephone numbers and any other designations used by the person for purposes of routing or self-identification in telephonic communication.

(B) Any designation or moniker used for routing or self-identification in Internet communications or posting, including the following:

(i) An electronic chat room username.

(ii) An electronic mail address.

(iii) An instant messaging username.

(iv) A social networking web site username.

(3) Demographic and descriptive identifiers, including the following:

(A) Date of birth and any purported date of birth.

(B) Social Security number and any purported Social Security number.

(C) Sex.

(D) Race.

(E) Height.

(F) Weight.

(G) Hair color.

(H) Eye color.

(I) Any scar, mark, or tattoo.

(4) Licensing information that authorizes the person to engage in an occupation or carry out a trade or business.

(5) Vehicle, transportation, and traveling identifiers, including the following:

(A) Driver's license or state identification card number.

(B) An alias or any purported driver's license number or state identification card number.

(C) A digitized copy of a passport or other information establishing the person's immigration status.

(D) A description and vehicle plate number or, if a plate number is not available, another identifying number for all vehicles owned by the person or used by the person on a regular basis, including the person's personal vehicle, work vehicle, and any watercraft or aircraft the person owns or

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operates on a regular basis.

(E) The location where the person's vehicles are habitually parked, docked, and otherwise kept.

(6) Residence, employment, and school identifiers, including the following:

(A) Principal residence.

(B) If the person is required to register under section 7(a)(2) of this chapter, the name and address of each of the person's employers in Indiana.

(C) The person's work location, including the normal travel routes and general areas in which the person works.

(D) If the person is required to register under section 7(a)(3) of this chapter, the name and address of each campus or location where the person is enrolled in school in Indiana, and the address that the person stays or expects to stay while in Indiana.

(E) Mailing address, if different from the person's principal residence address.

(F) Any other address where the person spends more than seven (7) nights in a fourteen (14) day period, or thirty (30) or more nonconsecutive days within a calendar year.

(7) Offense information, including the following:

(A) The criminal code citation to the offense of which the person was convicted.

(B) A description of the offense of which the person was convicted.

(C) The date of conviction.

(D) The county or jurisdiction of the conviction.

(E) The cause number of the conviction.

(F) The sentence imposed.

(8) A current photograph of the person.

(9) Any other information required by the department.

(b) If any information required under subsection (a)(2), (a)(5), or (a)(6) changes, the sex or violent offender shall report in person to the local law enforcement authority having jurisdiction over the sex or violent offender's current principal residence or location and update the changed information not later than seventy-two (72) hours after the information changes.

(c) If any information required under subsection (a)(2), (a)(5), or (a)(6) changes, the local law enforcement authority shall do the following:

(1) Immediately update the Indiana sex and violent offender

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registry web site established under IC 36-2-13-5.5.

(2) Notify every law enforcement agency having jurisdiction in the county or counties where the sex or violent offender is registered.

(3) Update the National Crime Information Center's National Sex Offender Registry data base via the Indiana data and communications system (IDACS).

SECTION 14. IC 11-8-8-9, AS AMENDED BY P.L.216-2007, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9. (a) Not more than seven (7) days before an Indiana sex or violent offender who is required to register under this chapter is scheduled to be released from a **penal facility (as defined in IC 35-41-1-21)**, a secure private facility (as defined in IC 31-9-2-115), or ~~released from~~ a juvenile detention facility, an official of the facility shall do the following:

(1) Orally inform the sex or violent offender of the sex or violent offender's duty to register under this chapter and require the sex or violent offender to sign a written statement **affirming** that the sex or violent offender was orally informed **of the duty to register** or, if the sex or violent offender refuses to sign the statement, certify that the sex or violent offender was orally informed of the duty to register.

(2) Deliver a form advising the sex or violent offender of the sex or violent offender's duty to register under this chapter and require the sex or violent offender to sign a written statement that the sex or violent offender received the written notice or, if the sex or violent offender refuses to sign the statement, certify that the sex or violent offender was given the written notice of the duty to register.

(3) Obtain the address where the sex or violent offender expects to reside, **work, carry on a vocation, or attend school** after the sex or violent offender's release.

(4) Transmit to the local law enforcement authority in the county where the sex or violent offender expects to reside, **work, carry on a vocation, or attend school**, the sex or violent offender's name, date of release or transfer, new address, and the offense or delinquent act committed by the sex or violent offender.

(b) Not more than seventy-two (72) hours after a sex or violent offender who is required to register under this chapter is released or transferred as described in subsection (a), an official of the facility shall transmit to the state police the following:

(1) The sex or violent offender's fingerprints, photograph, and

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identification factors.

(2) The address where the sex or violent offender expects to reside after the sex or violent offender's release.

(3) The complete criminal history data (as defined in IC 10-13-3-5) or, if the sex or violent offender committed a delinquent act, juvenile history data (as defined in IC 10-13-4-4) of the sex or violent offender.

(4) Information regarding the sex or violent offender's past treatment for mental disorders.

(5) Information as to whether the sex or violent offender has been determined to be a sexually violent predator.

(c) This subsection applies if a sex or violent offender is placed on probation or in a community corrections program without being confined in a penal facility. The probation office serving the court in which the sex or violent offender is sentenced shall perform the duties required under subsections (a) and (b) **and, not later than seventy-two (72) hours after sentencing, forward registration information required in section 8 of this chapter to every local law enforcement authority in which the sex or violent offender is required to register under section 7(b), 7(c), 7(d), or 7(e) of this chapter.**

(d) For any sex or violent offender who is not committed to the department, the probation office of the sentencing court shall transmit to the department a copy of the sex or violent offender's:

(1) sentencing order;

(2) presentence investigation; and

(3) any other information required by the department to make a determination concerning sex or violent offender registration.

(e) If a local law enforcement authority determines that a sex or violent offender has not been notified of the obligation to register, the authority shall do the following:

(1) Orally inform the sex or violent offender of the sex or violent offender's duty to register under this chapter and require the sex or violent offender to sign a written statement affirming that the sex or violent offender was orally informed of the duty to register, or, if the sex or violent offender refuses to sign the statement, certify that the sex or violent offender was orally informed of the duty to register.

(2) Deliver a form advising the sex or violent offender of the sex or violent offender's duty to register under this chapter and require the sex or violent offender to sign a written statement affirming that the sex or violent offender received

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the written notice, or, if the sex or violent offender refuses to sign the statement, certify that the sex or violent offender was given the written notice of the duty to register.

(3) Advise the sex or violent offender that the sex or violent offender is required to report in person and register within seventy-two (72) hours of this notice.

SECTION 15. IC 11-8-8-11, AS AMENDED BY P.L.216-2007, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 11. (a) If a sex or violent offender who is required to register under this chapter changes:

(1) principal residence; ~~address~~; or

(2) if section 7(a)(2) or 7(a)(3) of this chapter applies, the place where the sex or violent offender stays in Indiana; or

(3) **communications identifiers (as described in section 8(2) of this chapter);**

the sex or violent offender shall report in person to the local law enforcement authority having jurisdiction over the sex or violent offender's current principal ~~address~~ **residence** or location and, if the offender moves to a new county in Indiana, to the local law enforcement authority having jurisdiction over the sex or violent offender's new principal ~~address~~ **residence** or location not more than seventy-two (72) hours after the address change.

(b) If a sex or violent offender moves to a new county in Indiana, the local law enforcement authority ~~where the sex or violent offender's current principal residence address is located in the new county in Indiana~~ shall inform the local law enforcement authority in the ~~new county where the sex or violent offender's principal residence was previously located~~ **county in Indiana** of the sex or violent offender's ~~new residence and forward~~ **shall send a copy of** all relevant registration information concerning the sex or violent offender ~~in the new county~~ to the local law enforcement authority in the ~~new county where the sex or violent offender's principal residence was previously located. The local law enforcement authority receiving notice under this subsection shall verify the address of the sex or violent offender under section 13 of this chapter not more than seven (7) days after receiving the notice. The local law enforcement authority in the county where the sex or violent offender's principal residence was previously located shall in turn forward all relevant registration information concerning the sex or violent offender in that county to the local law enforcement authority in the new county.~~

(c) If a sex or violent offender who is required to register under

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section 7(a)(2) or 7(a)(3) of this chapter changes the sex or violent offender's principal place of employment, principal place of vocation, or campus or location where the sex or violent offender is enrolled in school, the sex or violent offender shall report in person:

(1) to the local law enforcement authority having jurisdiction over the sex or violent offender's current principal place of employment, principal place of vocation, or campus or location where the sex or violent offender is enrolled in school; and

(2) if the sex or violent offender changes the sex or violent offender's place of employment, vocation, or enrollment to a new county in Indiana, to the local law enforcement authority having jurisdiction over the sex or violent offender's new principal place of employment, principal place of vocation, or campus or location where the sex or violent offender is enrolled in school;

not more than seventy-two (72) hours after the change.

(d) If a sex or violent offender moves the sex or violent offender's place of employment, vocation, or enrollment to a new county in Indiana, the local law enforcement authority ~~having jurisdiction over the sex or violent offender's current principal place of employment, principal place of vocation, or campus or location where the sex or violent offender is enrolled in school in the new county where the sex or violent offender's new principal place of employment, vocation, or enrollment is located~~ shall inform the local law enforcement authority in the new county of the sex or violent offender's new principal place of employment, vocation, or enrollment **having jurisdiction over the sex or violent offender's former principal place of employment, principal place of vocation, or campus or location where the sex or violent offender was enrolled in school** by forwarding relevant registration information to the local law enforcement authority in the ~~new~~ **previous** county of residence.

(e) If a sex or violent offender moves the sex or violent offender's residence, place of employment, vocation, or enrollment to a new state, the local law enforcement authority shall inform the ~~state police~~ **agency that oversees sex or violent offender registration activities** in the new state of the sex or violent offender's new place of residence, employment, vocation, or enrollment.

(f) If a sex or violent offender who is required to register under this chapter intends to change the sex or violent offender's principal residence, place of employment, place of vocation, or campus or location where the sex or violent offender is enrolled in school to a jurisdiction outside the United States, the sex or violent offender shall report in person to the local law enforcement

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1 authority having jurisdiction over the sex or violent offender's
 2 current principal residence seventy-two (72) hours before the move
 3 and provide the information required under section 8 of this
 4 chapter in addition to the name of the country to which the sex or
 5 violent offender plans to relocate.

6 ~~(f)~~ (g) A local law enforcement authority shall make registration
 7 information, including information concerning the duty to register and
 8 the penalty for failing to register, available to a sex or violent offender.

9 ~~(g)~~ (h) A local law enforcement authority who is notified of a
 10 change under subsection (a), ~~or~~ (c), or (f) shall:

11 (1) immediately update the Indiana sex and violent offender
 12 registry web site established under IC 36-2-13-5.5;

13 (2) notify every:

14 (A) school;

15 (B) day care center;

16 (C) head start program (42 U.S.C. 9831 et seq.);

17 (D) public housing agency;

18 (E) social service entity responsible for protecting minors
 19 in the child welfare system;

20 (F) volunteer organization in which contact with a minor
 21 or other vulnerable individual might occur; and

22 (G) law enforcement agency having jurisdiction;

23 in the county or counties where the sex or violent offender is
 24 registered;

25 (3) update the National Crime Information Center National Sex
 26 Offender Registry data base via the Indiana data and
 27 communications system (IDACS);

28 (4) if the sex or violent offender plans to relocate outside the
 29 United States, notify the United States Marshals Service; and

30 ~~(3)~~ (5) notify the department.

31 ~~(h)~~ (i) If a sex or violent offender who is registered with a local law
 32 enforcement authority becomes incarcerated, the local law enforcement
 33 authority shall transmit a copy of the information provided by the sex
 34 or violent offender during registration to the department.

35 ~~(i)~~ (j) If a sex or violent offender is no longer required to register
 36 due to the expiration of the registration period, the local law
 37 enforcement authority shall transmit a copy of the information provided
 38 by the sex or violent offender during registration to the department.

39 (k) If a sex or violent offender fails to register as required under
 40 section 7(b), 7(c), 7(d), or 7(e) of this chapter, the local law
 41 enforcement authority in the destination county shall immediately
 42 notify the department and request that the prosecuting attorney in

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1 **the county pursue a failure to register warrant for a violation of**
 2 **section 17 of this chapter, if applicable.**

3 SECTION 16. IC 11-8-8-12, AS AMENDED BY P.L.216-2007,
 4 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2008]: Sec. 12. (a) As used in this section, "temporary
 6 residence" means a residence:

7 (1) that is established to provide transitional housing for a person
 8 without another residence; and

9 (2) in which a person is not typically permitted to reside for more
 10 than thirty (30) days in a sixty (60) day period.

11 (b) This section applies only to a sex or violent offender who resides
 12 in a temporary residence. In addition to the other requirements of this
 13 chapter, a sex or violent offender who resides in a temporary residence
 14 shall ~~register~~ **report** in person ~~with~~ **to** the local law enforcement
 15 authority in **the county where the sex or violent offender**
 16 **temporarily resides and provide the sex or violent offender's**
 17 **temporary residence location and any other information required**
 18 **by the local law enforcement authority: which the temporary**
 19 **residence is located:**

20 (1) not more than seventy-two (72) hours after the sex or violent
 21 offender moves into the temporary residence; and

22 (2) during the period in which the sex or violent offender resides
 23 in a temporary residence, at least once every seven (7) days
 24 following the sex or violent offender's initial registration under
 25 subdivision (1).

26 (c) A sex or violent offender who does not have a principal
 27 residence or temporary residence shall report in person to the local law
 28 enforcement authority in the county where the sex or violent offender
 29 **temporarily resides and provide a description of the sex or violent**
 30 **offender's exact location and any other information required by**
 31 **the local law enforcement authority: at least once every seven (7)**
 32 **days to report an address for the location where the sex or violent**
 33 **offender will stay during the time in which the sex or violent offender**
 34 **lacks a principal address or temporary residence:**

35 (1) **not more than seventy-two (72) hours after the sex or**
 36 **violent offender moves into the location; and**

37 (2) **during the period in which the sex or violent offender**
 38 **resides in the location, at least once every seven (7) days**
 39 **following the sex or violent offender's initial registration**
 40 **under subdivision (1).**

41 (d) A sex or violent offender's obligation to register in person once
 42 every seven (7) days terminates when the sex or violent offender no

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longer resides in the temporary residence or location described in subsection (b) or (c). However, all other requirements imposed on a sex or violent offender by this chapter continue in force, including the requirement that a sex or violent offender register the sex or violent offender's new address with the local law enforcement authority.

SECTION 17. IC 11-8-8-13, AS AMENDED BY P.L.216-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 13. (a) To verify a sex or violent offender's current residence, the local law enforcement authority having jurisdiction over the area of the sex or violent offender's current principal address residence or location shall do the following:

(1) Mail a form that is ~~approved or~~ prescribed by the department to each ~~sex or violent offender tier III sex offender~~ in the county at the ~~sex or violent offender's listed principal residence address~~ at least one (1) time ~~per year every ninety (90) days~~, beginning seven (7) days after the local law enforcement authority receives a notice under section 11 or 20 of this chapter or the date the ~~sex or violent tier III sex~~ offender is:

(A) released from a penal facility (as defined in IC 35-41-1-21); a ~~secure private facility (as defined in IC 31-9-2-115); or a juvenile detention facility;~~

(B) released from a secure private facility (as defined in IC 31-9-2-115);

(C) released from a juvenile detention facility;

~~(B)~~ placed in **(D) transferred to** a community transition program;

~~(C)~~ placed in a community corrections program;

~~(D)~~ **(E)** placed on parole; or

~~(E)~~ **(F)** placed on probation;

(G) placed on home detention; or

(H) at the location where the offender is required to register under section 7(b), 7(c), 7(d), or 7(e) of this chapter;

whichever occurs first.

(2) Mail a form that is ~~approved or~~ prescribed by the department to each ~~sex or violent offender who is designated a sexually violent predator under IC 35-38-1-7.5 tier II sex offender in the county at the offender's principal residence~~ at least ~~once every ninety (90) one (1) time every one hundred eighty (180) days~~, beginning seven (7) days after the local law enforcement authority receives a notice under section 11 or 20 of this chapter or the date the ~~sex or violent offender tier II sex offender~~ is:

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- 1 (A) released from a penal facility (as defined in
 2 IC 35-41-1-21); a secure private facility (as defined in
 3 ~~IC 31-9-2-115~~); or a juvenile detention facility;
 4 **(B) released from a secure private facility (as defined in**
 5 **IC 31-9-2-115);**
 6 **(C) released from a juvenile detention facility;**
 7 ~~(B)~~ placed in **(D) transferred to** a community transition
 8 program;
 9 ~~(C)~~ placed in a community corrections program;
 10 ~~(D)~~ **(E)** placed on parole; or
 11 ~~(E)~~ **(F)** placed on probation;
 12 **(G) placed on home detention; or**
 13 **(H) at the location where the offender is required to**
 14 **register under section 7(b), 7(c), 7(d), or 7(e) of this**
 15 **chapter;**
 16 whichever occurs first.
 17 **(3) Mail a form that is prescribed by the department to each**
 18 **tier I sex offender in the county at the offender's principal**
 19 **residence at least one (1) time each three hundred sixty-five**
 20 **(365) days, beginning seven (7) days after the local law**
 21 **enforcement authority receives a notice under section 11 or 20**
 22 **of this chapter or the date the tier I sex offender is:**
 23 **(A) released from a penal facility (as defined in**
 24 **IC 35-41-1-21);**
 25 **(B) released from a secure private facility (as defined in**
 26 **IC 31-9-2-115);**
 27 **(C) released from a juvenile detention facility;**
 28 **(D) transferred to a community transition program;**
 29 **(E) placed on parole;**
 30 **(F) placed on probation;**
 31 **(G) placed on home detention; or**
 32 **(H) at the location where the offender is required to**
 33 **register under section 7(b), 7(c), 7(d), or 7(e) of this**
 34 **chapter;**
 35 whichever occurs first.
 36 **(4) Mail a form that is prescribed by the department to each**
 37 **violent offender in the county at the offender's principal**
 38 **residence at least one (1) time each three hundred sixty-five**
 39 **(365) days, beginning seven (7) days after the local law**
 40 **enforcement authority receives a notice under section 11 or 20**
 41 **of this chapter or the date the violent offender is:**
 42 **(A) released from a penal facility (as defined in**

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1 **IC 35-41-1-21);**
 2 **(B) released from a secure private facility (as defined in**
 3 **IC 31-9-2-115);**
 4 **(C) released from a juvenile detention facility;**
 5 **(D) transferred to a community transition program;**
 6 **(E) placed on parole;**
 7 **(F) placed on probation;**
 8 **(G) placed on home detention; or**
 9 **(H) at the location where the offender is required to**
 10 **register under section 7(b), 7(c), 7(d), or 7(e) of this**
 11 **chapter;**
 12 **whichever occurs first.**
 13 **(3) (5) Personally visit each sex or violent offender tier III sex**
 14 **offender in the county at the sex or violent offender's listed**
 15 **principal residence address at least one (1) time per year every**
 16 **ninety (90) days, beginning seven (7) days after the local law**
 17 **enforcement authority receives a notice under section 7 of this**
 18 **chapter or the date the sex or violent tier III sex offender is:**
 19 **(A) released from a penal facility (as defined in**
 20 **IC 35-41-1-21); a secure private facility (as defined in**
 21 **IC 31-9-2-115); or a juvenile detention facility;**
 22 **(B) released from a secure private facility (as defined in**
 23 **IC 31-9-2-115);**
 24 **(C) released from a juvenile detention facility;**
 25 **(B) placed in (D) transferred to a community transition**
 26 **program;**
 27 **(C) placed in a community corrections program;**
 28 **(D) (E) placed on parole; or**
 29 **(E) (F) placed on probation;**
 30 **(G) placed on home detention; or**
 31 **(H) at the location where the offender is required to**
 32 **register under section 7(b), 7(c), 7(d), or 7(e) of this**
 33 **chapter;**
 34 **whichever occurs first.**
 35 **(4) (6) Personally visit each sex or violent tier II sex offender**
 36 **who is designated a sexually violent predator under**
 37 **IC 35-38-1-7.5 in the county at the offender's principal**
 38 **residence at least once one (1) time every ninety (90) one**
 39 **hundred eighty (180) days, beginning seven (7) days after the**
 40 **local law enforcement authority receives a notice under section 7**
 41 **of this chapter or the date the sex or violent tier II sex offender**
 42 **is:**

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- 1 (A) released from a penal facility (as defined in
 2 IC 35-41-1-21); a secure private facility (as defined in
 3 ~~IC 31-9-2-115~~); or a juvenile detention facility;
 4 **(B) released from a secure private facility (as defined in**
 5 **IC 31-9-2-115);**
 6 **(C) released from a juvenile detention facility;**
 7 ~~(B)~~ placed in **(D) transferred to** a community transition
 8 program;
 9 ~~(C)~~ placed in a community corrections program;
 10 ~~(D)~~ **(E)** placed on parole; or
 11 ~~(E)~~ **(F)** placed on probation;
 12 **(G) placed on home detention; or**
 13 **(H) at the location where the offender is required to**
 14 **register under section 7(b), 7(c), 7(d), or 7(e) of this**
 15 **chapter;**
 16 whichever occurs first.
 17 **(7) Personally visit each tier I sex offender in the county at the**
 18 **offender's principal residence at least one (1) time every three**
 19 **hundred sixty-five (365) days, beginning seven (7) days after**
 20 **the local law enforcement authority receives a notice under**
 21 **section 7 of this chapter or the date the tier I sex offender is:**
 22 **(A) released from a penal facility (as defined in**
 23 **IC 35-41-1-21);**
 24 **(B) released from a secure private facility (as defined in**
 25 **IC 31-9-2-115);**
 26 **(C) released from a juvenile detention facility;**
 27 **(D) transferred to a community transition program;**
 28 **(E) placed on parole;**
 29 **(F) placed on probation;**
 30 **(G) placed on home detention; or**
 31 **(H) at the location where the offender is required to**
 32 **register under section 7(b), 7(c), 7(d), or 7(e) of this**
 33 **chapter;**
 34 whichever occurs first.
 35 **(8) Personally visit each violent offender in the county at the**
 36 **offender's principal residence at least one (1) time every three**
 37 **hundred sixty-five (365) days, beginning seven (7) days after**
 38 **the local law enforcement authority receives a notice under**
 39 **section 7 of this chapter or the date the violent offender is:**
 40 **(A) released from a penal facility (as defined in**
 41 **IC 35-41-1-21);**
 42 **(B) released from a secure private facility (as defined in**

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IC 31-9-2-115);

(C) released from a juvenile detention facility;

(D) transferred to a community transition program;

(E) placed on parole;

(F) placed on probation;

(G) placed on home detention; or

(H) at the location where the offender is required to register under section 7(b), 7(c), 7(d), or 7(e) of this chapter;

whichever occurs first.

(b) If a sex or violent offender fails to return a signed form either by mail or in person, not later than fourteen (14) days after mailing, or appears not to reside at the ~~listed address~~, **principal residence**, the local law enforcement authority shall immediately notify the department and **request that** the prosecuting attorney of the county **seek a warrant for failure to register under IC 11-8-8-17.**

SECTION 18. IC 11-8-8-14, AS AMENDED BY P.L.216-2007, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 14. (a) ~~This subsection does not apply to a sex or violent offender who is a sexually violent predator.~~ In addition to the other requirements of this chapter, a ~~sex or violent tier III sex~~ offender who is required to register under this chapter shall: ~~at least one (1) time per calendar year:~~

(1) report in person to the local law enforcement authority;

(2) register; and

(3) be photographed by the local law enforcement authority; in each location where the offender is required to register **at least one (1) time every ninety (90) days, on a schedule determined by the local law enforcement authority.**

(b) ~~This subsection applies to a sex or violent offender who is a sexually violent predator.~~ In addition to the other requirements of this chapter, a ~~sex or violent tier II sex~~ offender ~~who is a sexually violent predator under IC 35-38-1-7.5~~ who is required to register under this chapter shall:

(1) report in person to the local law enforcement authority;

(2) register; and

(3) be photographed by the local law enforcement authority; ~~in each location where the sex or violent offender is required to register;~~ **every ninety (90) in each location where the offender is required to register at least one (1) time every one hundred eighty (180) days.**

(c) In addition to the other requirements of this chapter, a tier

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I sex offender who is required to register under this chapter shall:

(1) report in person to the local law enforcement authority;

(2) register; and

(3) be photographed by the local law enforcement authority; in each location where the offender is required to register at least one (1) time every three hundred sixty-five (365) days, on a schedule determined by the local law enforcement authority.

(d) In addition to the other requirements of this chapter, a violent offender who is required to register under this chapter shall:

(1) report in person to the local law enforcement authority;

(2) register; and

(3) be photographed by the local law enforcement authority; in each location where the offender is required to register at least one (1) time every three hundred sixty-five (365) days, on a schedule determined by the local law enforcement authority.

(e) Each time a sex or violent offender who claims to be working or attending school registers in person, the sex or violent offender shall provide documentation to the local law enforcement authority providing evidence that the sex or violent offender is still working or attending school at the registered location.

(f) If a sex or violent offender fails to register as required under this section, the local law enforcement authority shall immediately notify the department and request that the prosecuting attorney of the county seek a warrant for failure to register under IC 11-8-8-17.

(g) All information provided by a sex or violent offender as part of the registration process must be certified as true under penalties of perjury.

SECTION 19. IC 11-8-8-15, AS AMENDED BY P.L.216-2007, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 15. (a) A sex or violent offender who is a resident of Indiana shall obtain and keep in the sex or violent offender's possession:

(1) a valid Indiana driver's license; or

(2) a valid Indiana identification card (as described in IC 9-24-16).

(b) A sex or violent offender required to register in Indiana who is not a resident of Indiana shall obtain and keep in the sex or violent offender's possession:

(1) a valid driver's license issued by the state in which the sex or violent offender resides; or

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(2) a valid state issued identification card issued by the state in which the sex or violent offender resides.

(c) A person who knowingly or intentionally violates this section commits failure of a sex or violent offender to possess identification, a Class A misdemeanor. However, the offense is a Class D felony if the person:

(1) **is a tier III sex offender;**

~~(1)~~ (2) is a sexually violent predator (as defined in IC 35-38-1-7.5); or

~~(2)~~ (3) has a prior unrelated conviction:

(A) under this section; or

(B) based on the person's failure to comply with any requirement imposed on an offender under this chapter.

(d) It is a defense to a prosecution under this section that:

(1) the person has been unable to obtain a valid driver's license or state issued identification card because less than thirty (30) days have passed since the person's release from incarceration; or

(2) the person possesses a driver's license or state issued identification card that expired not more than thirty (30) days before the date the person violated subsection (a) or (b).

SECTION 20. IC 11-8-8-16, AS AMENDED BY P.L.216-2007, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 16. (a) A sex or violent offender who is required to register under this chapter may not petition for a change of name under IC 34-28-2.

(b) If a sex or violent offender who is required to register under this chapter changes the sex or violent offender's name due to marriage, the sex or violent offender **shall report in person to the local law enforcement authority having jurisdiction over the sex or violent offender's current principal residence or location, or, if the sex or violent offender has no principal residence, the local law enforcement authority having jurisdiction where the sex or violent offender is registered under section 7(c), 7(d), or 7(e) of this chapter, and provide documentation of the change** must register with the local law enforcement authority not more than **seventy-two (72) hours** after the name change.

SECTION 21. IC 11-8-8-17, AS AMENDED BY P.L.216-2007, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 17. (a) **Except as provided in subsection (c),** a sex or violent offender **required to register under this chapter** who knowingly or intentionally:

(1) fails to register when required to register under this chapter;

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1 (2) fails to register in every location where the sex or violent
 2 offender is required to register under this chapter;
 3 (3) makes a material misstatement or omission while registering
 4 as a sex or violent offender under this chapter;
 5 (4) fails to register **or report** in person as required under this
 6 chapter; or
 7 (5) does not reside at the sex or violent offender's registered
 8 address or location;
 9 commits a Class D felony.

10 (b) The offense described in subsection (a) is a Class C felony if the
 11 sex or violent offender has a prior unrelated conviction for an offense:

- 12 (1) under this section; or
 13 (2) based on the person's failure to comply with any requirement
 14 imposed on a sex or violent offender under this chapter or under
 15 IC 5-2-12 before its repeal.

16 ~~(c) It is not a defense to a prosecution under this section that the sex~~
 17 ~~or violent offender was unable to pay the sex or violent offender~~
 18 ~~registration fee or the sex or violent offender address change fee~~
 19 ~~described under IC 36-2-13-5.6.~~

20 (c) **This subsection applies only to a sex or violent offender**
 21 **required to register under this chapter who:**

- 22 (1) **changes the sex or violent offender's principal residence to**
 23 **a new county in Indiana; and**
 24 (2) **registers with the local law enforcement authority in the**
 25 **new county having jurisdiction over the sex or violent**
 26 **offender's new principal residence not more than seventy-two**
 27 **(72) hours after the change of address.**

28 **A sex or violent offender to whom this subsection applies who fails**
 29 **to register with the local law enforcement authority having**
 30 **jurisdiction over the sex or violent offender's former principal**
 31 **residence in the previous county of residence commits a Class C**
 32 **infraction.**

33 SECTION 22. IC 11-8-8-18, AS AMENDED BY P.L.216-2007,
 34 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2008]: Sec. 18. (a) A ~~sexually violent predator tier II sex~~
 36 **offender** who will be absent from the ~~sexually violent predator's~~
 37 **person's** principal residence for more than ~~seventy-two (72) hours~~
 38 **seven (7) days** shall inform the local law enforcement authority in the
 39 county where the ~~sexually violent predator's person's~~ principal address
 40 **residence** is located, in person, of the following:

- 41 (1) That the ~~sexually violent predator person~~ will be absent from
 42 the ~~sexually violent predator's person's~~ principal residence for

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1 more than ~~seventy-two (72) hours~~. **seven (7) days.**

2 (2) The location where the ~~sexually violent predator person~~ will
3 be located during the absence from the ~~sexually violent predator's~~
4 **person's** principal residence.

5 (3) The length of time the ~~sexually violent predator person~~ will
6 be absent from the ~~sexually violent predator's person's~~ principal
7 residence.

8 **If the tier II sex offender will spend more than seven (7) days away**
9 **from the county of the principal residence, the local law**
10 **enforcement authority in the county where the person's principal**
11 **residence is located shall notify the local law enforcement authority**
12 **in the new county where the person plans to stay.**

13 (b) A ~~sexually violent predator tier II sex offender~~ who will spend
14 more than ~~seventy-two (72) hours~~ in a county in which the ~~sexually~~
15 ~~violent predator~~ is not required to register **seven (7) days away from**
16 **the county where the person's principal residence is located** shall
17 inform the local law enforcement authority in the **new county, in which**
18 **the sexually violent predator is not required to register, in person, of the**
19 **following:**

20 (1) That the ~~sexually violent predator person~~ will spend **more**
21 **than seventy-two (72) hours time** in the county.

22 (2) The location where the ~~sexually violent predator person~~ will
23 be located while spending time in the county.

24 (3) The length of time the ~~sexually violent predator person~~ will
25 remain in the county.

26 Upon request of the local law enforcement authority of the county in
27 which the ~~sexually violent predator tier II sex offender~~ is not required
28 to register, the ~~sexually violent predator person~~ shall provide the local
29 law enforcement authority with any additional information that will
30 assist the local law enforcement authority in determining the ~~sexually~~
31 ~~violent predator's person's~~ whereabouts during the ~~sexually violent~~
32 ~~predator's person's~~ stay in the county.

33 (c) A tier III sex offender who will be absent from the person's
34 principal residence for more than ~~seventy-two (72) hours~~ shall
35 inform the local law enforcement authority in the county where the
36 person's principal residence is located, in person, of the following:

37 (1) That the person will be absent from the person's principal
38 residence for more than ~~seventy-two (72) hours~~.

39 (2) The location where the person will be located during the
40 absence from the person's principal residence.

41 (3) The length of time the person will be absent from the
42 person's principal residence.

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1 If the tier III sex offender will spend more than seventy-two (72)
 2 hours away from the county of the principal residence, the local
 3 law enforcement authority in the county where the person's
 4 principal residence is located shall notify the local law enforcement
 5 authority in the new county where the person plans to stay.

6 (d) A tier III sex offender who will spend more than seventy-two
 7 (72) hours away from the county where the person's principal
 8 residence is located shall inform the local law enforcement
 9 authority in the new county, in person, of the following:

10 (1) That the person will spend time in the county.

11 (2) The location where the person will be located while
 12 spending time in the county.

13 (3) The length of time the person will remain in the county.

14 Upon request of the local law enforcement authority of the county
 15 in which the tier III sex offender is not required to register, the
 16 person shall provide the local law enforcement authority with any
 17 additional information that will assist the local law enforcement
 18 authority in determining the person's whereabouts during the
 19 person's stay in the county.

20 (c) (e) A sexually violent predator tier II or tier III sex offender
 21 who knowingly or intentionally violates this section commits failure to
 22 notify, a Class A misdemeanor. However, the offense is a Class D
 23 felony if the person has a prior unrelated conviction under this section
 24 based on the person's failure to comply with any requirement imposed
 25 on a sex or violent offender under this chapter.

26 SECTION 23. IC 11-8-8-19, AS AMENDED BY P.L.216-2007,
 27 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2008]: Sec. 19. (a) Except as provided in subsections (b)
 29 through (e), a sex or violent offender is required to register under this
 30 chapter until the expiration of ten (10) years after the date the sex or
 31 violent offender:

32 (1) is released from a penal facility (as defined in IC 35-41-1-21)
 33 or a secure juvenile detention facility of a state or another
 34 jurisdiction;

35 (2) is placed in a community transition program;

36 (3) is placed in a community corrections program;

37 (4) is placed on parole; or

38 (5) is placed on probation;

39 whichever occurs last. The department shall ensure that an offender
 40 who is no longer required to register as a sex or violent offender is
 41 notified that the obligation to register has expired. A tier III sex
 42 offender is required to register for life.

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(b) A sex or violent offender who is a sexually violent predator is required to register for life. A tier II sex offender is required to register under this chapter until the expiration of twenty-five (25) years from the date the sex or violent offender was:

- (1) released from a penal facility (as defined in IC 35-41-1-21);
- (2) released from a secure private facility (as defined in IC 31-9-2-115);
- (3) released from a juvenile detention facility;
- (4) transferred to a community transition program;
- (5) placed on parole;
- (6) placed on probation; or
- (7) placed on home detention;

whichever occurs last.

(c) A sex or violent offender who is convicted of at least one (1) offense under section 5(a) of this chapter that the sex or violent offender committed:

- (1) when the person was at least eighteen (18) years of age; and
- (2) against a victim who was less than twelve (12) years of age at the time of the crime;

is required to register for life. A tier I sex offender is required to register under this chapter until the expiration of fifteen (15) years from the date the sex or violent offender was:

- (1) released from a penal facility (as defined in IC 35-41-1-21);
- (2) released from a secure private facility (as defined in IC 31-9-2-115);
- (3) released from a juvenile detention facility;
- (4) transferred to a community transition program;
- (5) placed on parole;
- (6) placed on probation; or
- (7) placed on home detention;

whichever occurs last.

(d) A sex or violent offender who is convicted of at least one (1) offense under section 5(a) of this chapter in which the sex offender:

- (1) proximately caused serious bodily injury or death to the victim;
- (2) used force or the threat of force against the victim or a member of the victim's family, unless the offense is sexual battery as a Class D felony; or
- (3) rendered the victim unconscious or otherwise incapable of giving voluntary consent;

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1 **A violent offender** is required to register for life.

2 ~~(e)~~ **A sex or violent offender who is convicted of at least two (2)**
 3 **unrelated offenses under section 5(a) of this chapter is required to**
 4 **register for life:**

5 ~~(f)~~ **(e)** A person who is required to register as a sex or violent
 6 offender in any jurisdiction shall register for the period required by the
 7 other jurisdiction or the period described in this section, whichever is
 8 longer.

9 **(f) A tier I sex offender's registration requirement may be**
 10 **reduced from fifteen (15) years to ten (10) years if the person:**

11 **(1) has not been convicted of a felony since the person's**
 12 **registration period began;**

13 **(2) has not been convicted of a subsequent sex offense;**

14 **(3) has successfully completed any period of supervised**
 15 **release, probation, or parole; and**

16 **(4) has successfully completed an appropriate sex offender**
 17 **treatment program certified by the department, a local**
 18 **sentencing court, or by the United States Attorney General.**

19 **(g) The department shall ensure that an offender who is no**
 20 **longer required to register as a sex or violent offender is notified**
 21 **that the obligation to register has expired.**

22 SECTION 24. IC 11-8-8-20, AS AMENDED BY P.L.216-2007,
 23 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2008]: Sec. 20. (a) The department may enter into a compact
 25 or agreement with one (1) or more jurisdictions outside Indiana to
 26 exchange notifications concerning the change of address, employment,
 27 vocation, or enrollment of a sex or violent offender between Indiana
 28 and the other jurisdiction or the other jurisdiction and Indiana.

29 (b) If the department receives information that a sex or violent
 30 offender has relocated to Indiana to reside, engage in employment or
 31 a vocation, or enroll in school, or that a sex or violent offender has been
 32 convicted in Indiana but not sentenced to the department, the
 33 department shall determine:

34 **(1) whether the person is required to register;**

35 **(2) whether the person is defined as a:**

36 **(A) tier III sex offender; ~~under IC 11-8-8-4.5; or~~**

37 **(B) tier II sex or violent offender; ~~under IC 11-8-8-5;~~**

38 **(C) tier I sex offender; or**

39 **(D) violent offender;**

40 ~~(2)~~ **(3) whether the person is a sexually violent predator under**
 41 **IC 35-38-1-7.5;**

42 ~~(3)~~ **(4) the period the person will be required to register as a sex**

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or violent offender in Indiana; and

~~(4)~~ (5) any other matter required by law to make a registration determination.

(c) After the department has made a determination under subsection (b), the department shall update the sex and violent offender registry web site and transmit the department's determination to the local law enforcement authority having jurisdiction over the county where the sex or violent offender resides, is employed, and attends school. The department shall transmit:

(1) the sex or violent offender's name, date of relocation, new address (if applicable), the offense or delinquent act committed by the sex or violent offender, and any other available descriptive information;

(2) **whether the person is defined as a:**

- (A) tier III sex offender;
- (B) tier II sex offender;
- (C) tier I sex offender; or
- (D) violent offender;

(3) whether the sex or violent offender is a sexually violent predator;

~~(3)~~ (4) the period the sex or violent offender will be required to register in Indiana; and

~~(4)~~ (5) anything else required by law to make a registration determination.

SECTION 25. IC 11-8-8-23 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 23. (a) This section applies to a tier I sex offender who seeks to have the offender's registration period reduced from fifteen (15) years to ten (10) years under section 19(f) of this chapter.**

(b) A tier I sex offender may seek to have the offender's registration period reduced from fifteen (15) years to ten (10) years by filing a verified petition in:

- (1) the court of conviction, if the offender was convicted in Indiana; or**
- (2) a circuit or superior court located in the county where the offender's principal residence is located, if the offender was convicted in another jurisdiction.**

(c) A petition filed under this section must briefly describe why the tier I sex offender is entitled to relief, making specific reference to the four (4) prerequisites for relief set forth in section 19(f) of this chapter.

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(d) Upon receipt of a petition under this section, a court may:

(1) summarily dismiss the petition if the petition does not entitle the tier I offender to relief; or

(2) provide a copy of the petition to the prosecuting attorney and conduct a hearing on the merits.

A hearing may be set not less than thirty (30) days after the court provides a copy of the petition to the prosecuting attorney. The prosecuting attorney may attend the hearing and present evidence.

(e) The tier I sex offender bears the burden of proving by a preponderance of the evidence that the offender meets the four (4) prerequisites for relief set forth in section 19(f) of this chapter.

(f) If the court finds that the tier I sex offender has proved that the offender is entitled to relief under section 19(f) of this chapter, the court shall reduce the offender's registration period from fifteen (15) years to ten (10) years. If the court reduces the offender's registration period under this section, the court shall notify the department and the local law enforcement authority in the county. The department shall notify other relevant agencies and individuals, if applicable.

(g) If the court finds that the tier I sex offender has not proved that the offender is entitled to relief under section 19(f) of this chapter, the court may not reduce the offender's registration period.

(h) A person may file a petition under this section not more than one (1) time per year.

SECTION 26. IC 11-8-8-24 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 24. (a) This section applies to a:

(1) tier III sex offender;

(2) tier II sex offender;

(3) tier I sex offender; or

(4) violent offender;

who seeks to challenge a determination made in Indiana concerning the sex or violent offender's classification or registration period.

(b) This section does not apply to a sex or violent offender convicted in another jurisdiction who seeks to challenge a determination made in the other jurisdiction.

(c) As used in this section, "petitioner" means a person to whom this section applies who seeks to challenge a determination relating to:

(1) the person's classification as a:

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- 1 (A) tier III sex offender;
- 2 (B) tier II sex offender;
- 3 (C) tier I sex offender; or
- 4 (D) violent offender; or
- 5 (2) the period the person is required to register as a sex or
- 6 violent offender in Indiana.

7 (d) A petitioner who seeks to challenge the petitioner's
8 classification or registration period may do so by filing a verified
9 petition in:

- 10 (1) the court of conviction, if the petitioner was convicted in
- 11 Indiana; or
- 12 (2) a circuit or superior court located in the county where the
- 13 petitioner's principal residence is located, if the petitioner was
- 14 convicted in another jurisdiction.

15 (e) A petition filed under this section must briefly and
16 specifically describe why the petitioner is entitled to relief.

17 (f) Upon receipt of a petition under this section, a court may:

- 18 (1) summarily dismiss the petition if the petition does not
- 19 entitle the petitioner to relief; or
- 20 (2) provide a copy of the petition to the department and the
- 21 prosecuting attorney and conduct a hearing on the merits.

22 A hearing may be set not less than thirty (30) days after the court
23 provides a copy of the petition to the department and the
24 prosecuting attorney. The prosecuting attorney, the department,
25 or both may attend the hearing and present evidence.

26 (g) The petitioner bears the burden of proving by a
27 preponderance of the evidence that the petitioner has been wrongly
28 classified or that the petitioner's registration period is incorrect.

29 (h) If the court finds that the petitioner has proved that the
30 petitioner is entitled to relief, the court shall order the department
31 to revise the petitioner's classification or registration period. The
32 department shall notify other relevant agencies and individuals, if
33 applicable.

34 (i) If the court finds that the petitioner has not proved that the
35 offender is entitled to relief, the court may not order the
36 department to revise the petitioner's classification or registration
37 period.

38 (j) A petitioner may file a petition under this section not more
39 than one (1) time per year.

40 SECTION 27. IC 11-13-3-4, AS AMENDED BY P.L.216-2007,
41 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2008]: Sec. 4. (a) A condition to remaining on parole is that

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the parolee not commit a crime during the period of parole.

(b) The parole board may also adopt, under IC 4-22-2, additional conditions to remaining on parole and require a parolee to satisfy one (1) or more of these conditions. These conditions must be reasonably related to the parolee's successful reintegration into the community and not unduly restrictive of a fundamental right.

(c) If a person is released on parole, the parolee shall be given a written statement of the conditions of parole. Signed copies of this statement shall be:

- (1) retained by the parolee;
- (2) forwarded to any person charged with the parolee's supervision; and
- (3) placed in the parolee's master file.

(d) The parole board may modify parole conditions if the parolee receives notice of that action and had ten (10) days after receipt of the notice to express the parolee's views on the proposed modification. This subsection does not apply to modification of parole conditions after a revocation proceeding under section 10 of this chapter.

(e) As a condition of parole, the parole board may require the parolee to reside in a particular parole area. In determining a parolee's residence requirement, the parole board shall:

- (1) consider:
 - (A) the residence of the parolee prior to the parolee's incarceration; and
 - (B) the parolee's place of employment; and
- (2) assign the parolee to reside in the county where the parolee resided prior to the parolee's incarceration unless assignment on this basis would be detrimental to the parolee's successful reintegration into the community.

(f) As a condition of parole, the parole board may require the parolee to:

- (1) periodically undergo a laboratory chemical test (as defined in IC 14-15-8-1) or series of tests to detect and confirm the presence of a controlled substance (as defined in IC 35-48-1-9); and
- (2) have the results of any test under this subsection reported to the parole board by the laboratory.

The parolee is responsible for any charges resulting from a test required under this subsection. However, a person's parole may not be revoked on the basis of the person's inability to pay for a test under this subsection.

(g) As a condition of parole, the parole board:

- (1) may require a parolee who is a sex offender (as defined in

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IC 11-8-8-4.5) to:

(A) participate in a treatment program for sex offenders approved by the parole board; and

(B) avoid contact with any person who is less than sixteen (16) years of age unless the parolee:

(i) receives the parole board's approval; or

(ii) successfully completes the treatment program referred to in clause (A); and

(2) shall:

(A) require a parolee who is a sex or violent offender (as defined in IC 11-8-8-5) to register with a local law enforcement authority under IC 11-8-8;

(B) prohibit a parolee who is a sex offender from residing within ~~one thousand (1,000)~~ **five hundred (500)** feet of school property (as defined in IC 35-41-1-24.7) for the period of parole, unless the sex offender obtains written approval from the parole board;

(C) prohibit a parolee who is a sex offender convicted of a sex offense (as defined in IC 35-38-2-2.5) from residing within one (1) mile of the victim of the sex offender's sex offense unless the sex offender obtains a waiver under IC 35-38-2-2.5; ~~and~~

(D) prohibit a parolee who is a sex offender from owning, operating, managing, being employed by, or volunteering at any attraction designed to be primarily enjoyed by children less than sixteen (16) years of age;

(E) require a parolee who is a sex offender to consent:

(i) to the search of the sex offender's computer at any time; and

(ii) to the installation on the sex offender's computer or device with Internet capability, at the sex offender's expense, of one (1) or more hardware or software systems to monitor Internet usage;

(F) prohibit the sex offender from:

(i) accessing or using certain web sites, chat rooms, or instant messaging programs; and

(ii) deleting, erasing, or tampering with information on the sex offender's computer that relates to the person's Internet usage; and

(G) prohibit the sex offender from loitering in public within five hundred (500) feet of school property, a public park, or a youth program center if children are present.

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The parole board may not grant a sexually violent predator (as defined in IC 35-38-1-7.5) or a sex offender who is an offender against children under IC 35-42-4-11 a waiver under subdivision (2)(B) or (2)(C). If the parole board allows the sex offender to reside within ~~one thousand~~ **(1,000) five hundred (500)** feet of school property under subdivision (2)(B), the parole board shall notify each school within ~~one thousand~~ **(1,000) five hundred (500)** feet of the sex offender's residence of the order.

(h) The address of the victim of a parolee who is a sex offender convicted of a sex offense (as defined in IC 35-38-2-2.5) is confidential, even if the sex offender obtains a waiver under IC 35-38-2-2.5.

(i) As a condition of parole, the parole board may require a parolee to participate in a reentry court program.

(j) As a condition of parole, the parole board:

(1) shall require a parolee who is a sexually violent predator under IC 35-38-1-7.5; and

(2) may require a parolee who is a sex or violent offender (as defined in IC 11-8-8-5);

to wear a monitoring device (as described in IC 35-38-2.5-3) that can transmit information twenty-four (24) hours each day regarding a person's precise location.

(k) As a condition of parole, the parole board may prohibit, in accordance with IC 35-38-2-2.6, a parolee who has been convicted of stalking from residing within one thousand (1,000) feet of the residence of the victim of the stalking for a period that does not exceed five (5) years.

SECTION 28. IC 20-30-5.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

Chapter 5.5. Internet Safety

Sec. 1. Each school corporation shall include in the school corporation's curriculum for grades 3 and above instruction concerning safe usage of the Internet by children.

Sec. 2. The:

(1) department shall develop guidelines; and

(2) state board shall adopt rules under IC 4-22-2;

concerning the instruction required under this chapter to assist teachers assigned to teach the material described in this chapter.

Sec. 3. Guidelines and rules adopted under section 2 of this chapter must cover:

(1) safe online communication;

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- (2) privacy protection;**
- (3) cyberbullying;**
- (4) viewing inappropriate material;**
- (5) file sharing;**
- (6) the importance of open communication with responsible adults; and**
- (7) any other material that the department or the state board finds will assist children in using the Internet safely.**

SECTION 29. IC 34-24-1-1, AS AMENDED BY P.L.137-2007, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) The following may be seized:

(1) All vehicles (as defined by IC 35-41-1), if they are used or are intended for use by the person or persons in possession of them to transport or in any manner to facilitate the transportation of the following:

(A) A controlled substance for the purpose of committing, attempting to commit, or conspiring to commit any of the following:

- (i) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).
- (ii) Dealing in methamphetamine (IC 35-48-4-1.1).
- (iii) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
- (iv) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
- (v) Dealing in a schedule V controlled substance (IC 35-48-4-4).
- (vi) Dealing in a counterfeit substance (IC 35-48-4-5).
- (vii) Possession of cocaine or a narcotic drug (IC 35-48-4-6).
- (viii) Possession of methamphetamine (IC 35-48-4-6.1).
- (ix) Dealing in paraphernalia (IC 35-48-4-8.5).
- (x) Dealing in marijuana, hash oil, or hashish (IC 35-48-4-10).

(B) Any stolen (IC 35-43-4-2) or converted property (IC 35-43-4-3) if the retail or repurchase value of that property is one hundred dollars (\$100) or more.

(C) Any hazardous waste in violation of IC 13-30-10-4.

(D) A bomb (as defined in IC 35-41-1-4.3) or weapon of mass destruction (as defined in IC 35-41-1-29.4) used to commit, used in an attempt to commit, or used in a conspiracy to commit an offense under IC 35-47 as part of or in furtherance of an act of terrorism (as defined by IC 35-41-1-26.5).

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(2) All money, negotiable instruments, securities, weapons, communications devices, or any property used to commit, used in an attempt to commit, or used in a conspiracy to commit an offense under IC 35-47 as part of or in furtherance of an act of terrorism or commonly used as consideration for a violation of IC 35-48-4 (other than items subject to forfeiture under IC 16-42-20-5 or IC 16-6-8.5-5.1 before its repeal):

(A) furnished or intended to be furnished by any person in exchange for an act that is in violation of a criminal statute;

(B) used to facilitate any violation of a criminal statute; or

(C) traceable as proceeds of the violation of a criminal statute.

(3) Any portion of real or personal property purchased with money that is traceable as a proceed of a violation of a criminal statute.

(4) A vehicle that is used by a person to:

(A) commit, attempt to commit, or conspire to commit;

(B) facilitate the commission of; or

(C) escape from the commission of;

murder (IC 35-42-1-1), kidnapping (IC 35-42-3-2), criminal confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense under IC 35-47 as part of or in furtherance of an act of terrorism.

(5) Real property owned by a person who uses it to commit any of the following as a Class A felony, a Class B felony, or a Class C felony:

(A) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).

(B) Dealing in methamphetamine (IC 35-48-4-1.1).

(C) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).

(D) Dealing in a schedule IV controlled substance (IC 35-48-4-3).

(E) Dealing in marijuana, hash oil, or hashish (IC 35-48-4-10).

(6) Equipment and recordings used by a person to commit fraud under IC 35-43-5-4(10).

(7) Recordings sold, rented, transported, or possessed by a person in violation of IC 24-4-10.

(8) Property (as defined by IC 35-41-1-23) or an enterprise (as defined by IC 35-45-6-1) that is the object of a corrupt business influence violation (IC 35-45-6-2).

(9) Unlawful telecommunications devices (as defined in IC 35-45-13-6) and plans, instructions, or publications used to

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commit an offense under IC 35-45-13.

(10) Any equipment, ~~used or intended for use in preparing, photographing, recording, videotaping, digitizing, printing, copying, or disseminating matter in violation of IC 35-42-4-4.~~ **including computer equipment and cellular telephones, used for or intended for use in preparing, photographing, recording, videotaping, digitizing, printing, copying, or disseminating matter in violation of IC 35-42-4.**

(11) Destructive devices used, possessed, transported, or sold in violation of IC 35-47.5.

(12) Tobacco products that are sold in violation of IC 24-3-5, tobacco products that a person attempts to sell in violation of IC 24-3-5, and other personal property owned and used by a person to facilitate a violation of IC 24-3-5.

(13) Property used by a person to commit counterfeiting or forgery in violation of IC 35-43-5-2.

(14) After December 31, 2005, if a person is convicted of an offense specified in IC 25-26-14-26(b) or IC 35-43-10, the following real or personal property:

(A) Property used or intended to be used to commit, facilitate, or promote the commission of the offense.

(B) Property constituting, derived from, or traceable to the gross proceeds that the person obtained directly or indirectly as a result of the offense.

(15) Except as provided in subsection (e), a motor vehicle used by a person who operates the motor vehicle:

(A) while intoxicated, in violation of IC 9-30-5-1 through IC 9-30-5-5, if in the previous five (5) years the person has two (2) or more prior unrelated convictions:

(i) for operating a motor vehicle while intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5; or

(ii) for an offense that is substantially similar to IC 9-30-5-1 through IC 9-30-5-5 in another jurisdiction; or

(B) on a highway while the person's driver's license is suspended in violation of IC 9-24-19-2 through IC 9-24-19-4, if in the previous five (5) years the person has two (2) or more prior unrelated convictions:

(i) for operating a motor vehicle while intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5; or

(ii) for an offense that is substantially similar to IC 9-30-5-1 through IC 9-30-5-5 in another jurisdiction.

If a court orders the seizure of a motor vehicle under this

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subdivision, the court shall transmit an order to the bureau of motor vehicles recommending that the bureau not permit a motor vehicle to be registered in the name of the person whose motor vehicle was seized until the person possesses a current driving license (as defined in IC 9-13-2-41).

(b) A vehicle used by any person as a common or contract carrier in the transaction of business as a common or contract carrier is not subject to seizure under this section, unless it can be proven by a preponderance of the evidence that the owner of the vehicle knowingly permitted the vehicle to be used to engage in conduct that subjects it to seizure under subsection (a).

(c) Equipment under subsection (a)(10) may not be seized unless it can be proven by a preponderance of the evidence that the owner of the equipment knowingly permitted the equipment to be used to engage in conduct that subjects it to seizure under subsection (a)(10).

(d) Money, negotiable instruments, securities, weapons, communications devices, or any property commonly used as consideration for a violation of IC 35-48-4 found near or on a person who is committing, attempting to commit, or conspiring to commit any of the following offenses shall be admitted into evidence in an action under this chapter as prima facie evidence that the money, negotiable instrument, security, or other thing of value is property that has been used or was to have been used to facilitate the violation of a criminal statute or is the proceeds of the violation of a criminal statute:

- (1) IC 35-48-4-1 (dealing in or manufacturing cocaine or a narcotic drug).
- (2) IC 35-48-4-1.1 (dealing in methamphetamine).
- (3) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled substance).
- (4) IC 35-48-4-3 (dealing in a schedule IV controlled substance).
- (5) IC 35-48-4-4 (dealing in a schedule V controlled substance) as a Class B felony.
- (6) IC 35-48-4-6 (possession of cocaine or a narcotic drug) as a Class A felony, Class B felony, or Class C felony.
- (7) IC 35-48-4-6.1 (possession of methamphetamine) as a Class A felony, Class B felony, or Class C felony.
- (8) IC 35-48-4-10 (dealing in marijuana, hash oil, or hashish) as a Class C felony.

(e) A motor vehicle operated by a person who is not:

- (1) an owner of the motor vehicle; or
- (2) the spouse of the person who owns the motor vehicle;

is not subject to seizure under subsection (a)(15) unless it can be

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1 proven by a preponderance of the evidence that the owner of the
 2 vehicle knowingly permitted the vehicle to be used to engage in
 3 conduct that subjects it to seizure under subsection (a)(15).

4 SECTION 30. IC 35-38-1-7.5, AS AMENDED BY P.L.216-2007,
 5 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2008]: Sec. 7.5. (a) As used in this section, "sexually violent
 7 predator" means a person who suffers from a mental abnormality or
 8 personality disorder that makes the individual likely to repeatedly
 9 commit a sex offense (as defined in IC 11-8-8-5.2). The term includes
 10 a person convicted in another jurisdiction who is identified as a
 11 sexually violent predator under IC 11-8-8-20. The term does not
 12 include a person no longer considered a sexually violent predator under
 13 subsection (g).

14 (b) A person who:

15 (1) being at least eighteen (18) years of age, commits an offense
 16 described in:

17 (A) IC 35-42-4-1;

18 (B) IC 35-42-4-2;

19 (C) IC 35-42-4-3 as a Class A or Class B felony;

20 (D) IC 35-42-4-5(a)(1);

21 (E) IC 35-42-4-5(a)(2);

22 (F) IC 35-42-4-5(a)(3);

23 (G) IC 35-42-4-5(b)(1) as a Class A or Class B felony;

24 (H) IC 35-42-4-5(b)(2);

25 (I) IC 35-42-4-5(b)(3) as a Class A or Class B felony;

26 (J) an attempt or conspiracy to commit a crime listed in
 27 clauses (A) through (I); or

28 (K) a crime under the laws of another jurisdiction, including
 29 a military court, that is substantially equivalent to any of the
 30 offenses listed in clauses (A) through (J);

31 (2) commits a sex offense (as defined in IC 11-8-8-5.2) while
 32 having a previous unrelated conviction for a sex offense for which
 33 the person is required to register as a sex or violent offender under
 34 IC 11-8-8;

35 (3) commits a sex offense (as defined in IC 11-8-8-5.2) while
 36 having had a previous unrelated adjudication as a delinquent child
 37 for an act that would be a sex offense if committed by an adult, if,
 38 after considering expert testimony, a court finds by clear and
 39 convincing evidence that the person is likely to commit an
 40 additional sex offense; or

41 (4) commits a sex offense (as defined in IC 11-8-8-5.2) while
 42 having had a previous unrelated adjudication as a delinquent child

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for an act that would be a sex offense if committed by an adult, if the person was required to register as a sex or violent offender under IC 11-8-8-5(b)(2);

is a sexually violent predator. Except as provided in subsection (g) or (h), a person is a sexually violent predator by operation of law if an offense committed by the person satisfies the conditions set forth in subdivision (1) or (2) and the person was released from incarceration, secure detention, or probation for the offense after June 30, 1994.

(c) This section applies whenever a court sentences a person or a juvenile court issues a dispositional decree for a sex offense (as defined in IC 11-8-8-5.2) for which the person is required to register with the local law enforcement authority under IC 11-8-8.

(d) At the sentencing hearing, the court shall indicate on the record whether the person has been convicted of an offense that makes the person a sexually violent predator under subsection (b).

(e) If a person is not a sexually violent predator under subsection (b), the prosecuting attorney may request the court to conduct a hearing to determine whether the person (including a child adjudicated to be a delinquent child) is a sexually violent predator under subsection (a). If the court grants the motion, the court shall appoint two (2) psychologists or psychiatrists who have expertise in criminal behavioral disorders to evaluate the person and testify at the hearing. After conducting the hearing and considering the testimony of the two (2) psychologists or psychiatrists, the court shall determine whether the person is a sexually violent predator under subsection (a). A hearing conducted under this subsection may be combined with the person's sentencing hearing.

(f) If a person is a sexually violent predator:

(1) the person is required to register with the local law enforcement authority as provided in IC 11-8-8; and

(2) the court shall send notice to the department of correction.

(g) This subsection does not apply to a person who has two (2) or more unrelated convictions for an offense described in IC 11-8-8-4.5 for which the person is required to register under IC 11-8-8. A person who is a sexually violent predator may petition the **sentencing court or the juvenile court (if the person was convicted or adjudicated in Indiana), or the circuit or superior court in the county in which the person resides (if the person was not convicted or adjudicated in Indiana)**, to consider whether the person should no longer be considered a sexually violent predator. The person may file a petition under this subsection not earlier than ten (10) years after:

(1) the sentencing court or juvenile court makes its determination

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under subsection (e); or

(2) the person is released from incarceration or secure detention.

A person may file a petition under this subsection not more than one (1) time per year. A court may dismiss a petition filed under this subsection or conduct a hearing to determine if the person should no longer be considered a sexually violent predator. If the court conducts a hearing, the court shall appoint two (2) psychologists or psychiatrists who have expertise in criminal behavioral disorders to evaluate the person and testify at the hearing. After conducting the hearing and considering the testimony of the two (2) psychologists or psychiatrists, the court shall determine whether the person **has proved by a preponderance of the evidence (if the person has been found to be a sexually violent predator under subsection (e)), or by clear and convincing evidence (if the person is a sexually violent predator under subsection (b)), that the person** should no longer be considered a sexually violent predator under subsection (a). If a court finds that the person should no longer be considered a sexually violent predator, the court shall send notice to the department of correction that the person is no longer considered a sexually violent predator. Notwithstanding any other law, a condition imposed on a person due to the person's status as a sexually violent predator, including lifetime parole or GPS monitoring, does not apply to a person no longer considered a sexually violent predator.

(h) A person is not a sexually violent predator by operation of law under subsection (b)(1) if all of the following conditions are met:

(1) The victim was not less than twelve (12) years of age at the time the offense was committed.

(2) The person is not more than four (4) years older than the victim.

(3) The relationship between the person and the victim was a dating relationship or an ongoing personal relationship. The term "ongoing personal relationship" does not include a family relationship.

(4) The offense committed by the person was not any of the following:

(A) Rape (IC 35-42-4-1).

(B) Criminal deviate conduct (IC 35-42-4-2).

(C) An offense committed by using or threatening the use of deadly force or while armed with a deadly weapon.

(D) An offense that results in serious bodily injury.

(E) An offense that is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in

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1 IC 16-42-19-2(1)) or a controlled substance (as defined in
 2 IC 35-48-1-9) or knowing that the victim was furnished with
 3 the drug or controlled substance without the victim's
 4 knowledge.

5 (5) The person has not committed another sex offense (as defined
 6 in IC 11-8-8-5.2) (including a delinquent act that would be a sex
 7 offense if committed by an adult) against any other person.

8 (6) The person did not have a position of authority or substantial
 9 influence over the victim.

10 (7) The court finds that the person should not be considered a
 11 sexually violent predator.

12 SECTION 31. IC 35-38-2-2.2, AS AMENDED BY P.L.216-2007,
 13 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2008]: Sec. 2.2. As a condition of probation for a sex offender
 15 (as defined in IC 11-8-8-4.5), the court shall:

16 (1) require the sex offender to register with the local law
 17 enforcement authority under IC 11-8-8; and

18 (2) prohibit the sex offender from residing within ~~one thousand~~
 19 ~~(1,000)~~ **five hundred (500)** feet of school property (as defined in
 20 IC 35-41-1-24.7), **as measured from the property line of the**
 21 **sex offender's residence to the property line of the school**
 22 **property**, for the period of probation, unless the sex offender
 23 obtains written approval from the court;

24 (3) **require the sex offender to consent:**

25 (A) **to the search of the sex offender's computer at any**
 26 **time; and**

27 (B) **to the installation on the sex offender's computer or**
 28 **device with Internet capability, at the sex offender's**
 29 **expense, of one (1) or more hardware or software systems**
 30 **to monitor Internet usage;**

31 (4) **prohibit the sex offender from:**

32 (A) **accessing or using certain web sites, chat rooms, or**
 33 **instant messaging programs; and**

34 (B) **deleting, erasing, or tampering with information on the**
 35 **sex offender's computer that relates to the person's**
 36 **Internet usage; and**

37 (5) **prohibit the sex offender from loitering in public within**
 38 **five hundred (500) feet of school property, a public park, or**
 39 **a youth program center if children are present.**

40 If the court allows the sex offender to reside within ~~one thousand~~
 41 ~~(1,000)~~ **five hundred (500)** feet of school property under subdivision
 42 (2), the court shall notify each school within ~~one thousand (1,000)~~ **five**

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1 **hundred (500)** feet of the sex offender's residence of the order.
 2 However, a court may not allow a sex offender who is a sexually
 3 violent predator (as defined in IC 35-38-1-7.5) or an offender against
 4 children under IC 35-42-4-11 to reside within ~~one thousand (1,000)~~
 5 **five hundred (500)** feet of school property.

6 SECTION 32. IC 35-42-4-3, AS AMENDED BY P.L.216-2007,
 7 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2008]: Sec. 3. (a) A person who, with a child under fourteen
 9 (14) years of age, performs or submits to sexual intercourse or deviate
 10 sexual conduct commits child molesting, a Class B felony. However,
 11 the offense is a Class A felony if:

- 12 (1) it is committed by a person at least twenty-one (21) years of
 13 age;
 14 (2) it is committed by using or threatening the use of deadly force
 15 or while armed with a deadly weapon;
 16 (3) it results in serious bodily injury; or
 17 (4) the commission of the offense is facilitated by furnishing the
 18 victim, without the victim's knowledge, with a drug (as defined in
 19 IC 16-42-19-2(1)) or a controlled substance (as defined in
 20 IC 35-48-1-9) or knowing that the victim was furnished with the
 21 drug or controlled substance without the victim's knowledge.

22 (b) A person who, with a child under fourteen (14) years of age,
 23 performs or submits to any fondling or touching, of either the child or
 24 the older person, with intent to arouse or to satisfy the sexual desires of
 25 either the child or the older person, commits child molesting, a Class
 26 C felony. However, the offense:

27 **(1) is a Class B felony if the person compels the child to**
 28 **submit to the fondling or touching by using or threatening to**
 29 **use force; and**

30 **(2) is a Class A felony if:**

- 31 ~~(1)~~ **(A)** it is committed by using or threatening the use of
 32 deadly force;
 33 ~~(2)~~ **(B)** it is committed while armed with a deadly weapon; or
 34 ~~(3)~~ **(C)** the commission of the offense is facilitated by
 35 furnishing the victim, without the victim's knowledge, with a
 36 drug (as defined in IC 16-42-19-2(1)) or a controlled substance
 37 (as defined in IC 35-48-1-9) or knowing that the victim was
 38 furnished with the drug or controlled substance without the
 39 victim's knowledge.

40 (c) It is a defense that the accused person reasonably believed that
 41 the child was sixteen (16) years of age or older at the time of the
 42 conduct, unless:

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- (1) the offense is committed by using or threatening the use of deadly force or while armed with a deadly weapon;
- (2) the offense results in serious bodily injury; or
- (3) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.

SECTION 33. IC 35-42-4-7, AS AMENDED BY P.L.1-2005, SECTION 228, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 7. (a) As used in this section, "adoptive parent" has the meaning set forth in IC 31-9-2-6.

(b) As used in this section, "adoptive grandparent" means the parent of an adoptive parent.

(c) As used in this section, "armed forces recruiter" means a person who:

- (1) has been ordered, assigned, or directed to perform recruiting activities for any branch of the active, reserve, or guard components of the armed forces; and**
- (2) engages in recruiting activities at a public or nonpublic school attended by a child who is alleged to be the victim of a crime under this section.**

(d) As used in this section, "attending child" means a child who attends a school at which an armed forces recruiter engages in recruiting activities.

~~(c)~~ **(e)** As used in this section, "child care worker" means a person who:

- (1) provides care, supervision, or instruction to a child within the scope of the person's employment in a shelter care facility; or
- (2) is employed by a:
 - (A) school corporation; or
 - (B) nonpublic school;
 attended by a child who is the victim of a crime under this chapter.

~~(d)~~ **(f)** As used in this section, "custodian" means any person who resides with a child and is responsible for the child's welfare.

~~(e)~~ **(g)** As used in this section, "nonpublic school" has the meaning set forth in IC 20-18-2-12.

~~(f)~~ **(h)** As used in this section, "school corporation" has the meaning set forth in IC 20-18-2-16.

~~(g)~~ **(i)** As used in this section, "stepparent" means an individual who is married to a child's custodial or noncustodial parent and is not the

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child's adoptive parent.

~~(h)~~ (j) If a person who is:

(1) at least eighteen (18) years of age; and

(2) the:

(A) guardian, adoptive parent, adoptive grandparent, custodian, or stepparent of; or

(B) child care worker for;

a child at least sixteen (16) years of age but less than eighteen (18) years of age;

engages with the child in sexual intercourse, deviate sexual conduct (as defined in IC 35-41-1-9), or any fondling or touching with the intent to arouse or satisfy the sexual desires of either the child or the adult, the person commits child seduction, a Class D felony.

(k) If an armed forces recruiter who is at least eighteen (18) years of age engages in:

(1) sexual intercourse with an attending child;

(2) deviate sexual conduct (as defined in IC 35-41-1-9) with an attending child; or

(3) any fondling or touching of an attending child with the intent to arouse or satisfy the sexual desires of either the attending child or the armed forces recruiter;

the armed forces recruiter commits child seduction, a Class D felony.

SECTION 34. IC 35-42-4-11, AS AMENDED BY P.L.216-2007, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 11. (a) As used in this section, and except as provided in subsection (d), "offender against children" means a person required to register as a sex or violent offender under IC 11-8-8 who has been:

(1) found to be a sexually violent predator under IC 35-38-1-7.5; or

(2) convicted of one (1) or more of the following offenses:

(A) Child molesting (IC 35-42-4-3).

(B) Child exploitation (IC 35-42-4-4(b)).

(C) Child solicitation (IC 35-42-4-6).

(D) Child seduction (IC 35-42-4-7).

(E) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age and the person is not the child's parent or guardian.

(F) Attempt to commit or conspiracy to commit an offense listed in clauses (A) through (E).

(G) An offense in another jurisdiction that is substantially

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similar to an offense described in clauses (A) through (F).
A person is an offender against children by operation of law if the person meets the conditions described in subdivision (1) or (2) at any time.

(b) As used in this section, "reside" means to spend more than three (3) nights in:

(1) a residence; or

(2) if the person does not reside in a residence, a particular location;

in any thirty (30) day period.

(c) An offender against children who knowingly or intentionally:

(1) resides within ~~one thousand (1,000)~~ **five hundred (500)** feet of:

(A) school property, not including property of an institution providing post-secondary education;

(B) a charter school (as defined in IC 20-24-1-4);

~~(B) (C)~~ a youth program center; ~~or~~

(D) a child care center licensed under IC 12-17.2-4, child care home licensed under IC 12-17.2-5, or child care ministry registered under IC 12-17.2-6; or

~~(C) (E)~~ a public park;

as measured from the property line of the offender's residence to the property line of the school, charter school, youth program center, child care center, child care home, child care ministry, or public park; or

(2) establishes a residence within one (1) mile of the residence of the victim of the offender's sex offense, **as measured from the property line of the offender's residence to the property line of the victim's residence;**

commits a sex offender residency offense, a Class D felony.

(d) This subsection does not apply to an offender against children who has two (2) or more unrelated convictions for an offense described in subsection (a). A person who is an offender against children may petition the **sentencing court or the juvenile court (if the person was convicted or adjudicated in Indiana), or the circuit or superior court in the county in which the person resides (if the person was not convicted or adjudicated in Indiana)**, to consider whether the person should no longer be considered an offender against children. The person may file a petition under this subsection not earlier than ten (10) years after the person is released from incarceration, probation, or parole, whichever occurs last. A person may file a petition under this subsection not more than one (1) time per year. A court may dismiss a

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petition filed under this subsection or conduct a hearing to determine if the person should no longer be considered an offender against children. If the court conducts a hearing, the court shall appoint two (2) psychologists or psychiatrists who have expertise in criminal behavioral disorders to evaluate the person and testify at the hearing. After conducting the hearing and considering the testimony of the two (2) psychologists or psychiatrists, the court shall determine whether the person **has proved by clear and convincing evidence that the person** should no longer be considered an offender against children. If a court finds that the person should no longer be considered an offender against children, the court shall send notice to the department of correction that the person is no longer considered an offender against children.

SECTION 35. IC 35-42-4-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 12. (a) This section applies only to a person required to register as a sex or violent offender under IC 11-8-8 who has been:**

- (1) found to be a sexually violent predator under IC 35-38-1-7.5; or
- (2) convicted of one (1) or more of the following offenses:
 - (A) Child molesting (IC 35-42-4-3).
 - (B) Child exploitation (IC 35-42-4-4(b)).
 - (C) Possession of child pornography (IC 35-42-4-4(c)).
 - (D) Vicarious sexual gratification (IC 35-42-4-5(a) or IC 35-42-4-5(b)).
 - (E) Sexual conduct in the presence of a minor (IC 35-42-4-5(c)).
 - (F) Child solicitation (IC 35-42-4-6).
 - (G) Child seduction (IC 35-42-4-7).
 - (H) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age and the person is not the child's parent or guardian.
 - (I) Attempt to commit or conspiracy to commit an offense listed in clauses (A) through (H).
 - (J) An offense in another jurisdiction that is substantially similar to an offense described in clauses (A) through (H).

(b) As used in this section, "instant messaging or chat room program" means a software program that requires a person to register or create an account, a username, or a password to become a member or registered user of the program and allows two (2) or more members or authorized users to communicate over the

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Internet in real time using typed text. The term does not include an electronic mail program or message board program.

(c) As used in this section, "social networking web site" means an Internet web site that:

- (1) facilitates the social introduction between two (2) or more persons;
- (2) requires a person to register or create an account, a username, or a password to become a member of the web site and to communicate with other members;
- (3) allows a member to create a web page or a personal profile; and
- (4) provides a member with the opportunity to communicate with another person.

The term does not include an electronic mail program or message board program.

(d) A person described in subsection (a) who knowingly or intentionally uses:

- (1) a social networking web site; or
- (2) an instant messaging or chat room program;

that the offender knows allows a person who is less than eighteen (18) years of age to access or use the web site or program commits a sex offender Internet offense, a Class D felony. However, the offense is a Class C felony if the person has a prior unrelated conviction under this section.

(e) It is a defense to a prosecution under this section that the person:

- (1) did not know that the web site or program allowed a person who is less than eighteen (18) years of age to access or use the web site or program;
- (2) upon discovering that the web site or program allows a person who is less than eighteen (18) years of age to access or use the web site or program, immediately ceased further use or access of the web site or program.

SECTION 36. IC 35-42-4-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 13. (a) This section does not apply to the following:**

- (1) A parent, guardian, or custodian of the child.
- (2) A person who acts with the permission of the child's parent, guardian, or custodian.
- (3) A person to whom the child makes a report of abuse or neglect.

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(4) A person to whom the child reports medical symptoms that relate to or may relate to sexual activity.

(b) As used in this section, "sexual activity" means sexual intercourse, deviate sexual conduct, or the fondling or touching of the buttocks, genitals, or female breasts.

(c) A person at least twenty-one (21) years of age who knowingly or intentionally communicates with an individual whom the person believes to be a child less than fourteen (14) years of age concerning sexual activity with the intent to:

(1) gratify the sexual desires of the person or the individual; or

(2) entice the individual to meet the person in another location;

commits inappropriate communication with a child, a Class B misdemeanor. However, the offense is a Class A misdemeanor if the person commits the offense by using a computer network (as defined in IC 35-43-2-3(a).

SECTION 37. IC 35-42-4-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 14. (a) An offender against children (as defined in section 11 of this chapter) who, knowing that children are present, enters school property, a public park, or a youth program center commits child offender trespassing, a Class D felony.

(b) It is a defense to a prosecution under this section:

(1) that the person entered the school property, public park, or youth program center to vote; or

(2) that the person entered the school property to attend a meeting with school personnel relating to the person's child, if:

(A) the person notified the school that the person is an offender against children; and

(B) a school employee accompanied the person to and from the meeting.

SECTION 38. IC 35-45-4-5, AS AMENDED BY P.L.7-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. (a) As used in this section, "nudity" means the showing of the human male or female genitals, pubic area, or buttocks, or the showing of the female breast with less than a fully opaque covering of any part of the nipple.

(b) As used in this section, "peep" means any looking that is of a clandestine, surreptitious, prying, or secretive nature.

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(c) As used in this section, "photograph" means photographing, filming, videotaping, or creating a digitized image. The term includes using a cellular telephone, a camera, a video camera, or any other type of video recording device to create an image.

~~(a)~~ (d) A person:

(1) who:

(A) peeps; or

(B) goes upon the land of another with the intent to peep; into an occupied dwelling of another person; or

(2) who peeps into an area where an occupant of the area reasonably can be expected to disrobe, including:

(A) restrooms;

(B) baths;

(C) showers; and

(D) dressing rooms;

without the consent of the other person, commits voyeurism, a Class B misdemeanor.

~~(b)~~ (e) However, the offense under subsection ~~(a)~~ (d) is a Class D felony if:

(1) it is knowingly or intentionally committed by means of a camera, a video camera, or any other type of video recording device; or

(2) the person who commits the offense has a prior unrelated conviction:

(A) under this section; or

(B) in another jurisdiction, including a military court, for an offense that is substantially similar to an offense described in this section.

~~(c) "Peep" means any looking of a clandestine, surreptitious, prying, or secretive nature.~~

(f) A person who, without the consent or knowledge of the other person:

(1) knowingly or intentionally photographs another person who:

(A) is in an area in which an occupant of the area reasonably can be expected to disrobe, including:

(i) restrooms;

(ii) baths;

(iii) showers; and

(iv) dressing rooms; and

(B) is in a state of nudity;

commits photographic voyeurism, a Class B misdemeanor.

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(g) This subsection does not apply to a person who consents in writing to be photographed in a state of nudity. A person who:

(1) photographs another person who is in a state of nudity; and

(2) knowingly or intentionally fails to destroy the image that was photographed after being requested to do so by the person who is the subject of the photograph;

commits photographic voyeurism, a Class C misdemeanor. It is not a defense to a prosecution under this subsection that the other person verbally consented to being photographed in a state of nudity.

(h) An offense described in subsections (f) and (g) is:

(1) a Class A misdemeanor if the person who photographs the other person knowingly or intentionally shows the photograph to another person;

(2) a Class D felony if the person who photographs the other person knowingly or intentionally:

(A) publishes the photograph;

(B) makes the photograph available on the Internet; or

(C) disseminates the photograph electronically; and

(3) a Class C felony if the person who photographs the other person has a prior unrelated conviction under subsection (f) or (g), or has a prior unrelated conviction in another jurisdiction for an offense that is substantially similar to an offense described in subsection (f) or (g).

SECTION 39. IC 35-45-10-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6. (a) This section does not apply to:

(1) the parent, guardian, or custodian of a child;

(2) a person acting with the permission of the parent, guardian, or custodian of a child; or

(3) a person whose job requires the person to follow, pursue, or attempt to contact the child.

(b) A person who is at least twenty-one (21) years of age who knowingly or intentionally repeatedly:

(1) follows;

(2) pursues; or

(3) attempts to contact;

a child less than ten (10) years of age commits child stalking, a Class D felony.

(c) It is a defense to a prosecution under this section that the

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1 **person reasonably believed that repeatedly following, pursuing, or**
 2 **attempting to contact the child was in the best interests of the child.**

3 SECTION 40. IC 36-2-13-5.5, AS AMENDED BY P.L.216-2007,
 4 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2008]: Sec. 5.5. (a) The sheriffs shall jointly establish and
 6 maintain an Indiana sex and violent offender registry web site, known
 7 as the Indiana sex and violent offender registry, to inform the general
 8 public about the identity, location, and appearance of every sex or
 9 violent offender residing within Indiana. The web site must provide
 10 information regarding each sex or violent offender, organized by
 11 county of residence. The web site shall be updated at least daily.

12 (b) **Except as provided in subsection (f)**, the Indiana sex and
 13 violent offender registry web site must include the following
 14 information:

- 15 (1) A recent photograph of every sex or violent offender who has
- 16 registered with a sheriff after the effective date of this chapter.
- 17 (2) The home address of every sex or violent offender.
- 18 (3) The information required under IC 11-8-8-8.

19 (c) Every time a sex or violent offender registers, but at least once
 20 per year, the sheriff shall:

- 21 (1) photograph the sex or violent offender; and
- 22 (2) determine whether the sex or violent offender's fingerprints
- 23 are on file:
- 24 (A) in Indiana; or
- 25 (B) with the Federal Bureau of Investigation.

26 If it appears that the sex or violent offender's fingerprints are not on file
 27 as described in subdivision (2), the sheriff shall fingerprint the sex or
 28 violent offender and transmit a copy of the fingerprints to the state
 29 police department. The sheriff shall place the photograph described in
 30 subdivision (1) on the Indiana sex and violent offender registry web
 31 site.

32 (d) The photograph of a sex or violent offender described in
 33 subsection (c) must meet the following requirements:

- 34 (1) The photograph must be full face, front view, with a plain
- 35 white or off-white background.
- 36 (2) The image of the offender's face, measured from the bottom
- 37 of the chin to the top of the head, must fill at least seventy-five
- 38 percent (75%) of the photograph.
- 39 (3) The photograph must be in color.
- 40 (4) The photograph must show the offender dressed in normal
- 41 street attire, without a hat or headgear that obscures the hair or
- 42 hairline.

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(5) If the offender normally and consistently wears prescription glasses, a hearing device, wig, or a similar article, the photograph must show the offender wearing those items. A photograph may not include dark glasses or nonprescription glasses with tinted lenses unless the offender can provide a medical certificate demonstrating that tinted lenses are required for medical reasons.

(6) The photograph must have sufficient resolution to permit the offender to be easily identified by a person accessing the Indiana sex and violent offender registry web site.

(e) The Indiana sex and violent offender registry web site may be funded from:

- (1) the jail commissary fund (IC 36-8-10-21);
- (2) a grant from the criminal justice institute; and
- (3) any other source, subject to the approval of the county fiscal body.

(f) **The:**

- (1) photograph; and**
- (2) home address;**

of a sex and violent offender whose registration period has expired shall be removed from any part of the web site that may be accessed by the general public.

SECTION 41. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2008]: IC 11-8-8-1; IC 11-8-8-6.

SECTION 42. [EFFECTIVE JULY 1, 2008] **IC 35-42-4-12, IC 35-42-4-13, IC 35-42-4-14, and IC 35-45-10-6, all as added by this act, and IC 35-42-4-3, IC 35-42-4-7, IC 35-42-4-11, IC 35-45-4-5, IC 11-8-8-17, and IC 11-8-8-18, all as amended by this act, apply only to crimes committed after June 30, 2008.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1134, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 11-8-8-1.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 1.2. As used in this chapter, "electronic chat room username" means an identifier that allows a person to communicate over the Internet in real time using typed text.**

SECTION 2. IC 11-8-8-1.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 1.4. As used in this chapter, "electronic mail address" means a destination, commonly expressed as a string of characters, to which electronic mail may be sent or delivered.**

SECTION 3. IC 11-8-8-1.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 1.6. As used in this chapter, "instant messaging username" means an identifier that allows a person to communicate over the Internet in real time using typed text.**

SECTION 4. IC 11-8-8-1.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 1.8. As used in this chapter, "social networking web site username" means an identifier or profile that allows a person to create, use, or modify a social networking web site, as defined in IC 34-42-4-12.**

SECTION 5. IC 11-8-8-7, AS AMENDED BY P.L.216-2007, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 7. (a) Subject to section 19 of this chapter, the following persons must register under this chapter:**

(1) A sex or violent offender who resides in Indiana. A sex or violent offender resides in Indiana if either of the following applies:

(A) The sex or violent offender spends or intends to spend at least seven (7) days (including part of a day) in Indiana during a one hundred eighty (180) day period.

(B) The sex or violent offender owns real property in Indiana and returns to Indiana at any time.

(2) A sex or violent offender who works or carries on a vocation or intends to work or carry on a vocation full-time or part-time for

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a period:

(A) exceeding seven (7) consecutive days; or

(B) for a total period exceeding fourteen (14) days;

during any calendar year in Indiana regardless of whether the sex or violent offender is financially compensated, volunteered, or is acting for the purpose of government or educational benefit.

(3) A sex or violent offender who is enrolled or intends to be enrolled on a full-time or part-time basis in any public or private educational institution, including any secondary school, trade, or professional institution, or postsecondary educational institution.

(b) Except as provided in subsection (e), a sex or violent offender who resides in Indiana shall register with the local law enforcement authority in the county where the sex or violent offender resides. If a sex or violent offender resides in more than one (1) county, the sex or violent offender shall register with the local law enforcement authority in each county in which the sex or violent offender resides. If the sex or violent offender is also required to register under subsection (a)(2) or (a)(3), the sex or violent offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (c) or (d).

(c) A sex or violent offender described in subsection (a)(2) shall register with the local law enforcement authority in the county where the sex or violent offender is or intends to be employed or carry on a vocation. If a sex or violent offender is or intends to be employed or carry on a vocation in more than one (1) county, the sex or violent offender shall register with the local law enforcement authority in each county. If the sex or violent offender is also required to register under subsection (a)(1) or (a)(3), the sex or violent offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (b) or (d).

(d) A sex or violent offender described in subsection (a)(3) shall register with the local law enforcement authority in the county where the sex or violent offender is enrolled or intends to be enrolled as a student. If the sex or violent offender is also required to register under subsection (a)(1) or (a)(2), the sex or violent offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (b) or (c).

(e) A sex or violent offender described in subsection (a)(1)(B) shall register with the local law enforcement authority in the county in which the real property is located. If the sex or violent offender is also required to register under subsection (a)(1)(A), (a)(2), or (a)(3), the sex or violent offender shall also register with the local law enforcement

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authority in the county in which the offender is required to register under subsection (b), (c), or (d).

(f) A sex or violent offender committed to the department shall register with the department before the sex or violent offender is released from incarceration. The department shall forward the sex or violent offender's registration information to the local law enforcement authority of every county in which the sex or violent offender is required to register.

(g) This subsection does not apply to a sex or violent offender who is a sexually violent predator. A sex or violent offender not committed to the department shall register not more than seven (7) days after the sex or violent offender:

- (1) is released from a penal facility (as defined in IC 35-41-1-21);
- (2) is released from a secure private facility (as defined in IC 31-9-2-115);
- (3) is released from a juvenile detention facility;
- (4) is transferred to a community transition program;
- (5) is placed on parole;
- (6) is placed on probation;
- (7) is placed on home detention; or
- (8) arrives at the place where the sex or violent offender is required to register under subsection (b), (c), or (d);

whichever occurs first. A sex or violent offender required to register in more than one (1) county under subsection (b), (c), (d), or (e) shall register in each appropriate county not more than seventy-two (72) hours after the sex or violent offender's arrival in that county or acquisition of real estate in that county.

(h) This subsection applies to a sex or violent offender who is a sexually violent predator. A sex or violent offender who is a sexually violent predator shall register not more than seventy-two (72) hours after the sex or violent offender:

- (1) is released from a penal facility (as defined in IC 35-41-1-21);
- (2) is released from a secure private facility (as defined in IC 31-9-2-115);
- (3) is released from a juvenile detention facility;
- (4) is transferred to a community transition program;
- (5) is placed on parole;
- (6) is placed on probation;
- (7) is placed on home detention; or
- (8) arrives at the place where the sexually violent predator is required to register under subsection (b), (c), or (d);

whichever occurs first. A sex or violent offender who is a sexually

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violent predator required to register in more than one (1) county under subsection (b), (c), (d), or (e) shall register in each appropriate county not more than seventy-two (72) hours after the offender's arrival in that county or acquisition of real estate in that county.

(i) The local law enforcement authority with whom a sex or violent offender registers under this section shall make and publish a photograph of the sex or violent offender on the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5. The local law enforcement authority shall make a photograph of the sex or violent offender that complies with the requirements of IC 36-2-13-5.5 at least once per year. The sheriff of a county containing a consolidated city shall provide the police chief of the consolidated city with all photographic and computer equipment necessary to enable the police chief of the consolidated city to transmit sex or violent offender photographs (and other identifying information required by IC 36-2-13-5.5) to the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5. In addition, the sheriff of a county containing a consolidated city shall provide all funding for the county's financial obligation for the establishment and maintenance of the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5.

(j) When a sex or violent offender registers, the local law enforcement authority shall:

- (1) immediately update the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5;
- (2) notify every law enforcement agency having jurisdiction in the county where the sex or violent offender resides; and
- (3) update the National Crime Information Center National Sex Offender Registry data base via the Indiana data and communications system (IDACS).

When a sex or violent offender from a jurisdiction outside Indiana registers a change of address, **electronic mail address, instant messaging username, electronic chat room username, social networking web site username**, employment, vocation, or enrollment in Indiana, the local law enforcement authority shall provide the department with the information provided by the sex or violent offender during registration.

SECTION 6. IC 11-8-8-8, AS AMENDED BY P.L.216-2007, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. **(a)** The registration required under this chapter must include the following information:

- (1) The sex or violent offender's full name, alias, any name by

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which the sex or violent offender was previously known, date of birth, sex, race, height, weight, hair color, eye color, any scars, marks, or tattoos, Social Security number, driver's license number or state identification card number, vehicle description and vehicle plate number for any vehicle the sex or violent offender owns or operates on a regular basis, principal residence address, other address where the sex or violent offender spends more than seven (7) nights in a fourteen (14) day period, and mailing address, if different from the sex or violent offender's principal residence address.

(2) A description of the offense for which the sex or violent offender was convicted, the date of conviction, the county of the conviction, the cause number of the conviction, and the sentence imposed, if applicable.

(3) If the person is required to register under section 7(a)(2) or 7(a)(3) of this chapter, the name and address of each of the sex or violent offender's employers in Indiana, the name and address of each campus or location where the sex or violent offender is enrolled in school in Indiana, and the address where the sex or violent offender stays or intends to stay while in Indiana.

(4) A recent photograph of the sex or violent offender.

(5) If the sex or violent offender is a sexually violent predator, that the sex or violent offender is a sexually violent predator.

(6) If the sex or violent offender is required to register for life, that the sex or violent offender is required to register for life.

(7) Any electronic mail address, instant messaging username, electronic chat room username, or social networking web site username that the sex or violent offender uses or intends to use.

~~(7)~~ (8) Any other information required by the department.

(b) If the sex or violent offender registers any information under subsection (a)(7), the offender shall sign a consent form authorizing any business or organization that offers electronic communications, Internet access, or remote computer services to provide the department and the state police department all information concerning the sex or violent offender that the business or organization is aware of, including the sex or violent offender's Internet usage.

SECTION 7. IC 11-8-8-11, AS AMENDED BY P.L.216-2007, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 11. (a) If a sex or violent offender who is required to register under this chapter changes:

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- (1) principal residence address; or
- (2) if section 7(a)(2) or 7(a)(3) of this chapter applies, the place where the sex or violent offender stays in Indiana;

the sex or violent offender shall report in person to the local law enforcement authority having jurisdiction over the sex or violent offender's current principal address or location and, if the offender moves to a new county in Indiana, to the local law enforcement authority having jurisdiction over the sex or violent offender's new principal address or location not more than seventy-two (72) hours after the address change.

(b) If a sex or violent offender moves to a new county in Indiana, the local law enforcement authority where the sex or violent offender's current principal residence address is located shall inform the local law enforcement authority in the new county in Indiana of the sex or violent offender's residence and forward all relevant registration information concerning the sex or violent offender to the local law enforcement authority in the new county. The local law enforcement authority receiving notice under this subsection shall verify the address of the sex or violent offender under section 13 of this chapter not more than seven (7) days after receiving the notice.

(c) If a sex or violent offender who is required to register under section 7(a)(2) or 7(a)(3) of this chapter changes the sex or violent offender's principal place of employment, principal place of vocation, or campus or location where the sex or violent offender is enrolled in school, the sex or violent offender shall report in person:

- (1) to the local law enforcement authority having jurisdiction over the sex or violent offender's current principal place of employment, principal place of vocation, or campus or location where the sex or violent offender is enrolled in school; and
- (2) if the sex or violent offender changes the sex or violent offender's place of employment, vocation, or enrollment to a new county in Indiana, to the local law enforcement authority having jurisdiction over the sex or violent offender's new principal place of employment, principal place of vocation, or campus or location where the sex or violent offender is enrolled in school;

not more than seventy-two (72) hours after the change.

(d) If a sex or violent offender moves the sex or violent offender's place of employment, vocation, or enrollment to a new county in Indiana, the local law enforcement authority having jurisdiction over the sex or violent offender's current principal place of employment, principal place of vocation, or campus or location where the sex or violent offender is enrolled in school shall inform the local law

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enforcement authority in the new county of the sex or violent offender's new principal place of employment, vocation, or enrollment by forwarding relevant registration information to the local law enforcement authority in the new county.

(e) If a sex or violent offender moves the sex or violent offender's residence, place of employment, vocation, or enrollment to a new state, the local law enforcement authority shall inform the state police in the new state of the sex or violent offender's new place of residence, employment, vocation, or enrollment.

(f) If a sex or violent offender who is required to register under this chapter changes or obtains a new:

- (1) electronic mail address;**
- (2) instant messaging username;**
- (3) electronic chat room username; or**
- (4) social networking web site username;**

the sex or violent offender shall report in person to the local law enforcement authority having jurisdiction over the sex or violent offender's current principal address or location and shall provide the local law enforcement authority with the new address or username not more than seventy-two (72) hours after the change or creation of the address or username.

~~(f)~~ **(g)** A local law enforcement authority shall make registration information, including information concerning the duty to register and the penalty for failing to register, available to a sex or violent offender.

~~(g)~~ **(h)** A local law enforcement authority who is notified of a change under subsection (a), ~~or~~ (c), **or (f)** shall:

- (1) immediately update the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5;
- (2) update the National Crime Information Center National Sex Offender Registry data base via the Indiana data and communications system (IDACS); and
- (3) notify the department.

~~(h)~~ **(i)** If a sex or violent offender who is registered with a local law enforcement authority becomes incarcerated, the local law enforcement authority shall transmit a copy of the information provided by the sex or violent offender during registration to the department.

~~(i)~~ **(j)** If a sex or violent offender is no longer required to register due to the expiration of the registration period, the local law enforcement authority shall transmit a copy of the information provided by the sex or violent offender during registration to the department.

SECTION 8. IC 35-38-1-7.5, AS AMENDED BY P.L.216-2007, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2008]: Sec. 7.5. (a) As used in this section, "sexually violent predator" means a person who suffers from a mental abnormality or personality disorder that makes the individual likely to repeatedly commit a sex offense (as defined in IC 11-8-8-5.2). The term includes a person convicted in another jurisdiction who is identified as a sexually violent predator under IC 11-8-8-20. The term does not include a person no longer considered a sexually violent predator under subsection (g).

(b) A person who:

(1) being at least eighteen (18) years of age, commits an offense described in:

(A) IC 35-42-4-1;

(B) IC 35-42-4-2;

(C) IC 35-42-4-3 as a Class A or Class B felony;

(D) IC 35-42-4-5(a)(1);

(E) IC 35-42-4-5(a)(2);

(F) IC 35-42-4-5(a)(3);

(G) IC 35-42-4-5(b)(1) as a Class A or Class B felony;

(H) IC 35-42-4-5(b)(2);

(I) IC 35-42-4-5(b)(3) as a Class A or Class B felony;

(J) an attempt or conspiracy to commit a crime listed in clauses (A) through (I); or

(K) a crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in clauses (A) through (J);

(2) commits a sex offense (as defined in IC 11-8-8-5.2) while having a previous unrelated conviction for a sex offense for which the person is required to register as a sex or violent offender under IC 11-8-8;

(3) commits a sex offense (as defined in IC 11-8-8-5.2) while having had a previous unrelated adjudication as a delinquent child for an act that would be a sex offense if committed by an adult, if, after considering expert testimony, a court finds by clear and convincing evidence that the person is likely to commit an additional sex offense; or

(4) commits a sex offense (as defined in IC 11-8-8-5.2) while having had a previous unrelated adjudication as a delinquent child for an act that would be a sex offense if committed by an adult, if the person was required to register as a sex or violent offender under IC 11-8-8-5(b)(2);

is a sexually violent predator. Except as provided in subsection (g) or (h), a person is a sexually violent predator by operation of law if an

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offense committed by the person satisfies the conditions set forth in subdivision (1) or (2) and the person was released from incarceration, secure detention, or probation for the offense after June 30, 1994.

(c) This section applies whenever a court sentences a person or a juvenile court issues a dispositional decree for a sex offense (as defined in IC 11-8-8-5.2) for which the person is required to register with the local law enforcement authority under IC 11-8-8.

(d) At the sentencing hearing, the court shall indicate on the record whether the person has been convicted of an offense that makes the person a sexually violent predator under subsection (b).

(e) If a person is not a sexually violent predator under subsection (b), the prosecuting attorney may request the court to conduct a hearing to determine whether the person (including a child adjudicated to be a delinquent child) is a sexually violent predator under subsection (a). If the court grants the motion, the court shall appoint two (2) psychologists or psychiatrists who have expertise in criminal behavioral disorders to evaluate the person and testify at the hearing. After conducting the hearing and considering the testimony of the two (2) psychologists or psychiatrists, the court shall determine whether the person is a sexually violent predator under subsection (a). A hearing conducted under this subsection may be combined with the person's sentencing hearing.

(f) If a person is a sexually violent predator:

- (1) the person is required to register with the local law enforcement authority as provided in IC 11-8-8; and
- (2) the court shall send notice to the department of correction.

(g) This subsection does not apply to a person who has two (2) or more unrelated convictions for an offense described in IC 11-8-8-4.5 for which the person is required to register under IC 11-8-8. A person who is a sexually violent predator may petition the **sentencing court or the juvenile court (if the person was convicted or adjudicated in Indiana), or the circuit or superior court in the county in which the person resides (if the person was not convicted or adjudicated in Indiana)**, to consider whether the person should no longer be considered a sexually violent predator. The person may file a petition under this subsection not earlier than ten (10) years after:

- (1) the sentencing court or juvenile court makes its determination under subsection (e); or
- (2) the person is released from incarceration or secure detention.

A person may file a petition under this subsection not more than one (1) time per year. A court may dismiss a petition filed under this subsection or conduct a hearing to determine if the person should no

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longer be considered a sexually violent predator. If the court conducts a hearing, the court shall appoint two (2) psychologists or psychiatrists who have expertise in criminal behavioral disorders to evaluate the person and testify at the hearing. After conducting the hearing and considering the testimony of the two (2) psychologists or psychiatrists, the court shall determine whether the person **has proved by a preponderance of the evidence (if the person has been found to be a sexually violent predator under subsection (e)), or by clear and convincing evidence (if the person is a sexually violent predator under subsection (b))**, that the person should no longer be considered a sexually violent predator under subsection (a). If a court finds that the person should no longer be considered a sexually violent predator, the court shall send notice to the department of correction that the person is no longer considered a sexually violent predator. Notwithstanding any other law, a condition imposed on a person due to the person's status as a sexually violent predator, including lifetime parole or GPS monitoring, does not apply to a person no longer considered a sexually violent predator.

(h) A person is not a sexually violent predator by operation of law under subsection (b)(1) if all of the following conditions are met:

- (1) The victim was not less than twelve (12) years of age at the time the offense was committed.
- (2) The person is not more than four (4) years older than the victim.
- (3) The relationship between the person and the victim was a dating relationship or an ongoing personal relationship. The term "ongoing personal relationship" does not include a family relationship.
- (4) The offense committed by the person was not any of the following:
 - (A) Rape (IC 35-42-4-1).
 - (B) Criminal deviate conduct (IC 35-42-4-2).
 - (C) An offense committed by using or threatening the use of deadly force or while armed with a deadly weapon.
 - (D) An offense that results in serious bodily injury.
 - (E) An offense that is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.
- (5) The person has not committed another sex offense (as defined

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in IC 11-8-8-5.2) (including a delinquent act that would be a sex offense if committed by an adult) against any other person.

(6) The person did not have a position of authority or substantial influence over the victim.

(7) The court finds that the person should not be considered a sexually violent predator.

SECTION 9. IC 35-38-2-2.2, AS AMENDED BY P.L.216-2007, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2.2. **(a)** As a condition of probation for a sex offender (as defined in IC 11-8-8-4.5), the court shall:

(1) require the sex offender to register with the local law enforcement authority under IC 11-8-8; and

(2) prohibit the sex offender from residing within one thousand (1,000) feet of school property (as defined in IC 35-41-1-24.7) for the period of probation, unless the sex offender obtains written approval from the court.

If the court allows the sex offender to reside within one thousand (1,000) feet of school property under subdivision (2), the court shall notify each school within one thousand (1,000) feet of the sex offender's residence of the order. However, a court may not allow a sex offender who is a sexually violent predator (as defined in IC 35-38-1-7.5) or an offender against children under IC 35-42-4-11 to reside within one thousand (1,000) feet of school property.

(b) Except as provided in subsections (c) and (d), as a condition of probation for an offender against children under IC 35-42-4-11 who is convicted of an offense listed in IC 35-42-4-11(a)(2), the court shall prohibit the sex offender from being on the property of a primary or secondary school.

(c) If a sex offender who is an offender against children under IC 35-42-4-11 and is convicted of an offense listed in IC 35-42-4-11(a)(2) attends a primary or secondary school, the court, as a condition of probation, shall prohibit the sex offender from being on the property of a primary or secondary school other than the primary or secondary school that the sex offender attends.

(d) As a condition of probation for an offender against children under IC 35-42-4-11 who is convicted of an offense listed in IC 35-42-4-11(a)(2) and is a parent or guardian of a child who attends a primary or secondary school, the court shall:

(1) require the sex offender to provide written notification that the sex offender is an offender against children to:

(A) the school; and

(B) the school corporation, if the school is a public school;

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and

(2) prohibit the sex offender from being on the school property of the primary or secondary school that the sex offender's child attends unless the sex offender is:

(A) attending a meeting with a teacher or school administrator; and

(B) escorted by an employee of the school or school district while on school property.

SECTION 10. IC 35-42-4-3, AS AMENDED BY P.L.216-2007, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) A person who, with a child under fourteen (14) years of age, performs or submits to sexual intercourse or deviate sexual conduct commits child molesting, a Class B felony. However, the offense is a Class A felony if:

- (1) it is committed by a person at least twenty-one (21) years of age;
- (2) it is committed by using or threatening the use of deadly force or while armed with a deadly weapon;
- (3) it results in serious bodily injury; or
- (4) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.

(b) A person who, with a child under fourteen (14) years of age, performs or submits to any fondling or touching, of either the child or the older person, with intent to arouse or to satisfy the sexual desires of either the child or the older person, commits child molesting, a Class C felony. However, the offense:

(1) is a Class B felony if the person compels the child to submit to the fondling or touching by using or threatening to use force; and

(2) is a Class A felony if:

- ~~(1)~~ **(A)** it is committed by using or threatening the use of deadly force;
- ~~(2)~~ **(B)** it is committed while armed with a deadly weapon; or
- ~~(3)~~ **(C)** the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.

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(c) It is a defense that the accused person reasonably believed that the child was sixteen (16) years of age or older at the time of the conduct, unless:

- (1) the offense is committed by using or threatening the use of deadly force or while armed with a deadly weapon;
- (2) the offense results in serious bodily injury; or
- (3) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.

SECTION 11. IC 35-42-4-11, AS AMENDED BY P.L.216-2007, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 11. (a) As used in this section, and except as provided in subsection (d), "offender against children" means a person required to register as a sex or violent offender under IC 11-8-8 who has been:

- (1) found to be a sexually violent predator under IC 35-38-1-7.5; or
- (2) convicted of one (1) or more of the following offenses:
 - (A) Child molesting (IC 35-42-4-3).
 - (B) Child exploitation (IC 35-42-4-4(b)).
 - (C) Child solicitation (IC 35-42-4-6).
 - (D) Child seduction (IC 35-42-4-7).
 - (E) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age and the person is not the child's parent or guardian.
 - (F) Attempt to commit or conspiracy to commit an offense listed in clauses (A) through (E).
 - (G) An offense in another jurisdiction that is substantially similar to an offense described in clauses (A) through (F).

A person is an offender against children by operation of law if the person meets the conditions described in subdivision (1) or (2) at any time.

(b) As used in this section, "reside" means to spend more than three (3) nights in:

- (1) a residence; or
- (2) if the person does not reside in a residence, a particular location;

in any thirty (30) day period.

(c) An offender against children who knowingly or intentionally:

- (1) resides within one thousand (1,000) feet of:

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(A) school property, not including property of an institution providing post-secondary education;

(B) a youth program center; or

(C) a public park; or

(2) establishes a residence within one (1) mile of the residence of the victim of the offender's sex offense;

commits a sex offender residency offense, a Class D felony.

(d) This subsection does not apply to an offender against children who has two (2) or more unrelated convictions for an offense described in subsection (a). A person who is an offender against children may petition the **sentencing court or the juvenile court (if the person was convicted or adjudicated in Indiana), or the circuit or superior court in the county in which the person resides (if the person was not convicted or adjudicated in Indiana)**, to consider whether the person should no longer be considered an offender against children. The person may file a petition under this subsection not earlier than ten (10) years after the person is released from incarceration, probation, or parole, whichever occurs last. A person may file a petition under this subsection not more than one (1) time per year. A court may dismiss a petition filed under this subsection or conduct a hearing to determine if the person should no longer be considered an offender against children. If the court conducts a hearing, the court shall appoint two (2) psychologists or psychiatrists who have expertise in criminal behavioral disorders to evaluate the person and testify at the hearing. After conducting the hearing and considering the testimony of the two (2) psychologists or psychiatrists, the court shall determine whether the person **has proved by clear and convincing evidence that the person** should no longer be considered an offender against children. If a court finds that the person should no longer be considered an offender against children, the court shall send notice to the department of correction that the person is no longer considered an offender against children."

Page 1, line 17, delete "uses a social networking website; or" and insert "uses:

(A) a social networking web site; or

(B) an instant messaging or chat room program;

that the offender knows allows a person who is less than eighteen (18) years of age to access or use the web site or program; and

(2) contacts a child or a person the offender believes is a child through the social networking web site or instant messaging or chat room program;

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commits a sex offender Internet offense, a Class D felony."

Page 2, delete lines 1 through 10.

Page 2, line 12, delete "applies" and insert "**and IC 35-42-4-3, as amended by this act, apply**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1134 as introduced.)

LAWSON L, Chair

Committee Vote: yeas 7, nays 0.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1134 be amended to read as follows:

Page 6, line 8, delete "authorizing" and insert "**authorizing the:**

(1) search of the sex or violent offender's computer or device with Internet capability, at any time; and

(2) installation on the sex or violent offender's computer or device with Internet capability, at the sex or violent offender's expense, of hardware or software to monitor the sex or violent offender's Internet usage."

Page 6, delete lines 9 through 14.

(Reference is to HB 1134 as printed January 25, 2008.)

VANDENBURGH

HOUSE MOTION

Mr. Speaker: I move that House Bill 1134 be amended to read as follows:

Page 11, line 32, after "35-41-1-24.7)" insert "**, as measured from the property line of the sex offender's residence to the property line of the school property,**".

Page 14, between lines 20 and 21, begin a new line double block indented and insert:

"(B) a charter school (as defined in IC 20-24-1-4);"

Page 14, line 21, strike "(B)" and insert "(C)".

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Page 14, line 21, strike "or".

Page 14, between lines 21 and 22, begin a new line double block indented and insert:

"(D) a child care center licensed under IC 12-17.2-4, child care home licensed under IC 12-17.2-5, or child care ministry registered under IC 12-17.2-6; or".

Page 14, line 22, strike "(C)" and insert "(E)".

Page 14, line 22, after "park;" begin a new line block indented and insert:

"as measured from the property line of the offender's residence to the property line of the school, charter school, youth program center, child care center, child care home, child care ministry, or public park;"

Page 14, line 24, delete "offense;" and insert "offense, as measured from the property line of the offender's residence to the property line of the victim's residence;"

(Reference is to HB 1134 as printed January 25, 2008.)

BUELL

SENATE MOTION

Madam President: I move that Senator Zakas be added as cosponsor of Engrossed House Bill 1134.

STEELE

SENATE MOTION

Madam President: I move that Senator Waterman be added as cosponsor of Engrossed House Bill 1134.

STEELE



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COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred House Bill No. 1134, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 4, delete "IC 34-42-4-12." and insert "**IC 35-42-4-12.**".

Page 2, delete lines 5 through 42.

Delete pages 3 through 7.

Page 8, delete lines 1 through 17, begin a new paragraph and insert: "SECTION 5. IC 11-8-8-3, AS AMENDED BY P.L.216-2007, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. As used in this chapter, "principal residence" means the residence **or location** where a sex or violent offender spends the most time. The term includes a residence owned or leased by another person if the sex or violent offender:

- (1) does not own or lease a residence; or
- (2) spends more time at the residence owned or leased by the other person than at the residence owned or leased by the sex or violent offender.

SECTION 6. IC 11-8-8-4.5, AS ADDED BY P.L.216-2007, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4.5. (a) Except as provided in section 22 of this chapter, as used in this chapter, "sex offender" means a person convicted of any of the following offenses:

- (1) Rape (IC 35-42-4-1).
- (2) Criminal deviate conduct (IC 35-42-4-2), **including criminal deviate conduct committed in a correctional facility.**
- (3) Child molesting (IC 35-42-4-3).
- (4) Child exploitation (IC 35-42-4-4(b)).
- (5) Vicarious sexual gratification (including performing sexual conduct in the presence of a minor) (IC 35-42-4-5).
- (6) Child solicitation (IC 35-42-4-6).
- (7) Child seduction (IC 35-42-4-7).
- (8) Sexual misconduct with a minor as a Class A, Class B, or Class C felony (IC 35-42-4-9), unless:
 - (A) the person is convicted of sexual misconduct with a minor as a Class C felony;
 - (B) the person is not more than:
 - (i) four (4) years older than the victim if the offense was committed after June 30, 2007; or
 - (ii) five (5) years older than the victim if the offense was

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committed before July 1, 2007; and

(C) the sentencing court finds that the person should not be required to register as a sex offender.

(9) Incest (IC 35-46-1-3).

(10) Sexual battery (IC 35-42-4-8).

(11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age, and the person who kidnapped the victim is not the victim's parent or guardian.

(12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age, and the person who confined or removed the victim is not the victim's parent or guardian.

(13) Possession of child pornography (IC 35-42-4-4(c)).

(14) Promoting prostitution (IC 35-45-4-4) as a Class B felony.

(15) Promotion of human trafficking (IC 35-42-3.5-1(a)(2)) if the victim is less than eighteen (18) years of age.

(16) Sexual trafficking of a minor (IC 35-42-3.5-1(b)).

(17) Human trafficking (IC 35-42-3.5-1(c)(3)) if the victim is less than eighteen (18) years of age.

(18) An attempt or conspiracy to commit a crime listed in subdivisions (1) through (17).

(19) A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in subdivisions (1) through (18).

(b) The term includes:

(1) a person who is required to register as a sex offender in any jurisdiction; and

(2) a child who has committed a delinquent act and who:

(A) is at least fourteen (14) years of age;

(B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and

(C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

(c) In making a determination under subsection (b)(2)(C), the court shall consider expert testimony concerning whether a child is likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

SECTION 7. IC 11-8-8-4.6 IS ADDED TO THE INDIANA CODE

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AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4.6. (a) Except as provided in section 22 of this chapter, as used in this chapter, "tier III sex offender" means a person convicted of any of the following offenses:

- (1) Rape (IC 35-42-4-1).
- (2) Criminal deviate conduct (IC 35-42-4-2).
- (3) Child molesting under:
 - (A) IC 35-42-4-3(a); or
 - (B) IC 35-42-4-3(b) as a Class A felony.
- (4) Vicarious sexual gratification (including performing sexual conduct in the presence of a minor) under IC 35-42-4-5 if the victim is less than fourteen (14) years of age.
- (5) Sexual misconduct with a minor under:
 - (A) IC 35-42-4-9(a)(2); or
 - (B) IC 35-42-4-9(b)(2).
- (6) Sexual battery (IC 35-42-4-8) if the victim is less than fourteen (14) years of age.
- (7) Incest (IC 35-46-1-3) if the victim is less than sixteen (16) years of age.
- (8) Kidnapping (IC 35-42-3-2) if the victim is less than eighteen (18) years of age, and the person who kidnapped the victim is not the victim's parent or guardian.
- (9) Criminal confinement (IC 35-42-3-3) if the victim is less than eighteen (18) years of age, and the person who confined or removed the victim is not the victim's parent or guardian.
- (10) An attempt or conspiracy to commit a crime listed in subdivisions (1) through (9).
- (11) A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in subdivisions (1) through (10).

(b) The term includes the following:

- (1) A sexually violent predator (as defined in IC 35-38-1-7.5).
- (2) A tier II sex offender who is convicted of a subsequent sex offense.
- (3) A tier II sex offender who is convicted of failure to register under section 17 of this chapter.

(c) A person convicted of an offense described in this section is a tier III sex offender by operation of law if one (1) or more of the following conditions apply:

- (1) The person was required to register as a sex or violent offender in Indiana on June 30, 2008.
- (2) After June 30, 2008, the person is:

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(A) incarcerated, on probation, on parole, on home detention, in a community corrections program, or under another form of supervision imposed as the result of the person's conviction for any offense; or

(B) released from incarceration, probation, parole, home detention, a community corrections program, or another form of supervision imposed as the result of the person's conviction for any offense.

(3) The person commits the offense after June 30, 2008.

SECTION 8. IC 11-8-8-4.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4.7. (a) Except as provided in section 22 of this chapter, as used in this chapter, "tier II sex offender" means a sex offender convicted of any of the following offenses:

(1) Child molesting (IC 35-42-4-3(b)) as a Class C felony.

(2) Child exploitation (IC 35-42-4-4(b)).

(3) Vicarious sexual gratification (IC 35-42-4-5(a)) as a Class D felony if the victim is thirteen (13) years of age or older.

(4) Child solicitation (IC 35-42-4-6).

(5) Child seduction (IC 35-42-4-7).

(6) Sexual battery (IC 35-42-4-8) if the victim is at least fourteen (14) years of age but less than eighteen (18) years of age.

(7) Sexual misconduct with a minor under IC 35-42-4-9(a)(1) or IC 35-42-4-9(b)(1), unless:

(A) the person is convicted of sexual misconduct with a minor as a Class C felony;

(B) the person is not more than:

(i) four (4) years older than the victim if the offense was committed after June 30, 2007; or

(ii) five (5) years older than the victim if the offense was committed before July 1, 2007; and

(C) the sentencing court finds that the person should not be required to register as a sex offender.

(8) Incest (IC 35-46-1-3) if the victim is sixteen (16) years of age or older.

(9) Promoting prostitution (IC 35-45-4-4) as a Class B felony.

(10) Promotion of human trafficking (IC 35-42-3.5-1(a)(2)) if the victim is less than eighteen (18) years of age.

(11) Sexual trafficking of a minor (IC 35-42-3.5-1(b)).

(12) Human trafficking (IC 35-42-3.5-1(c)(3)) if the victim is less than eighteen (18) years of age.

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(13) An attempt or conspiracy to commit a crime listed in subdivisions (1) through (12).

(14) A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in subdivisions (1) through (13).

(b) The term includes the following:

(1) A tier I sex offender who is convicted of a subsequent sex offense.

(2) A tier I sex offender who is convicted of failure to register under section 17 of this chapter.

(c) A person convicted of an offense described in this section is a tier II sex offender by operation of law if one (1) or more of the following conditions apply:

(1) The person was required to register as a sex or violent offender in Indiana on June 30, 2008.

(2) After June 30, 2008, the person is:

(A) incarcerated, on probation, on parole, on home detention, in a community corrections program, or under another form of supervision imposed as the result of the person's conviction for any offense; or

(B) released from incarceration, probation, parole, home detention, a community corrections program, or another form of supervision imposed as the result of the person's conviction for any offense.

(3) The person commits the offense after June 30, 2008.

SECTION 9. IC 11-8-8-4.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4.8. (a) As used in this chapter, "tier I sex offender" means a sex offender who is not a tier III sex offender or a tier II sex offender.

(b) A person convicted of an offense referred to in section 4.5 of this chapter but not referred to in section 4.6 or 4.7 of this chapter is a tier I sex offender by operation of law if one (1) or more of the following conditions apply:

(1) The person was required to register as a sex or violent offender in Indiana on June 30, 2008.

(2) After June 30, 2008, the person is:

(A) incarcerated, on probation, on parole, on home detention, in a community corrections program, or under another form of supervision imposed as the result of the person's conviction for any offense; or

(B) released from incarceration, probation, parole, home

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detention, a community corrections program, or another form of supervision imposed as the result of the person's conviction for any offense.

(3) The person commits the offense after June 30, 2008.

SECTION 10. IC 11-8-8-5, AS AMENDED BY P.L.216-2007, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. (a) Except as provided in section 22 of this chapter, as used in this chapter, "~~sex~~ or "violent offender" means a person convicted of any of the following offenses:

- (1) ~~Rape (IC 35-42-4-1);~~
- (2) ~~Criminal deviate conduct (IC 35-42-4-2);~~
- (3) ~~Child molesting (IC 35-42-4-3);~~
- (4) ~~Child exploitation (IC 35-42-4-4(b));~~
- (5) ~~Vicarious sexual gratification (including performing sexual conduct in the presence of a minor) (IC 35-42-4-5);~~
- (6) ~~Child solicitation (IC 35-42-4-6);~~
- (7) ~~Child seduction (IC 35-42-4-7);~~
- (8) ~~Sexual misconduct with a minor as a Class A, Class B, or Class C felony (IC 35-42-4-9); unless:~~
 - (A) ~~the person is convicted of sexual misconduct with a minor as a Class C felony;~~
 - (B) ~~the person is not more than:~~
 - (i) ~~four (4) years older than the victim if the offense was committed after June 30, 2007; or~~
 - (ii) ~~five (5) years older than the victim if the offense was committed before July 1, 2007; and~~
 - (C) ~~the sentencing court finds that the person should not be required to register as a sex offender.~~
- (9) ~~Incest (IC 35-46-1-3);~~
- (10) ~~Sexual battery (IC 35-42-4-8);~~
- (11) ~~Kidnapping (IC 35-42-3-2); if the victim is less than eighteen (18) years of age; and the person who kidnapped the victim is not the victim's parent or guardian.~~
- (12) ~~Criminal confinement (IC 35-42-3-3); if the victim is less than eighteen (18) years of age; and the person who confined or removed the victim is not the victim's parent or guardian.~~
- (13) ~~Possession of child pornography (IC 35-42-4-4(c));~~
- (14) ~~Promoting prostitution (IC 35-45-4-4) as a Class B felony.~~
- (15) ~~Promotion of human trafficking (IC 35-42-3.5-1(a)(2)) if the victim is less than eighteen (18) years of age.~~
- (16) ~~Sexual trafficking of a minor (IC 35-42-3.5-1(b));~~
- (17) ~~Human trafficking (IC 35-42-3.5-1(c)(3)) if the victim is less~~

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than eighteen (~~18~~) years of age.

~~(18)~~ (1) Murder (IC 35-42-1-1).

~~(19)~~ (2) Voluntary manslaughter (IC 35-42-1-3).

~~(20)~~ (3) An attempt or conspiracy to commit a crime listed in subdivisions (1) through ~~(19)~~: (2).

~~(21)~~ (4) A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in subdivisions (1) through ~~(20)~~: (3).

(5) A person who is incarcerated for a Class A or Class B felony if:

(A) the person served a sentence in a facility maintained by the department after June 30, 2008; and

(B) the difference between the person's release date and the person's post incarceration supervision is less than sixty (60) days due to facility rule violations.

(b) The term includes:

(1) a person who is required to register as a ~~sex or~~ violent offender in any jurisdiction; and

(2) a child who has committed a delinquent act and who:

(A) is at least fourteen (14) years of age;

(B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and

(C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

(c) In making a determination under subsection (b)(2)(C), the court shall consider expert testimony concerning whether a child is likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

SECTION 11. IC 11-8-8-5.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 5.3. As used in this chapter, "sex or violent offender" means a person who is:**

(1) a sex offender under section 4.5 of this chapter;

(2) a violent offender under section 5 of this chapter; or

(3) both subdivisions (1) and (2).

SECTION 12. IC 11-8-8-7, AS AMENDED BY P.L.216-2007, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2008]: Sec. 7. (a) Subject to section 19 of this chapter, the following persons must register under this chapter:

(1) A sex or violent offender who resides in Indiana. A sex or violent offender resides in Indiana if either of the following applies:

(A) The sex or violent offender spends or intends to spend at least seven (7) days (including part of a day) in Indiana during a one hundred eighty (180) day period.

(B) The sex or violent offender owns real property in Indiana and returns to Indiana at any time.

(2) A sex or violent offender who works or carries on a vocation or intends to work or carry on a vocation full-time or part-time for a period:

(A) exceeding seven (7) consecutive days; or

(B) for a total period exceeding fourteen (14) days;

during any calendar year in Indiana regardless of whether the sex or violent offender is financially compensated, volunteered, or is acting for the purpose of government or educational benefit.

(3) A sex or violent offender who is enrolled or intends to be enrolled on a full-time or part-time basis in any public or private educational institution **in Indiana**, including any secondary school, trade, or professional institution, or postsecondary educational institution.

(b) Except as provided in subsection (e), a sex or violent offender who resides **or expects to reside as described in section 9(a)(3) of this chapter** in Indiana shall register with the local law enforcement authority in the county where the sex or violent offender resides **or expects to reside**. If a sex or violent offender resides **or expects to reside as described in section 9(a)(3) of this chapter** in more than one (1) county, the sex or violent offender shall register with the local law enforcement authority in each county in which the sex or violent offender resides. If the sex or violent offender is also required to register under subsection (a)(2) or (a)(3), the sex or violent offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (c) or (d).

(c) A sex or violent offender described in subsection (a)(2) shall register with the local law enforcement authority in the county where the sex or violent offender is ~~or intends to be~~ employed, ~~or carry~~ **carries** on a vocation, **or expects to be employed or to carry on a vocation as described in section 9(a)(3) of this chapter**. If a sex or violent offender is ~~or intends to be~~ employed, ~~or carry~~ **carries** on a

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vocation, or expects to be employed or to carry on a vocation as described in section 9(a)(3) of this chapter in more than one (1) county, the sex or violent offender shall register with the local law enforcement authority in each county. If the sex or violent offender is also required to register under subsection (a)(1) or (a)(3), the sex or violent offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (b) or (d).

(d) A sex or violent offender described in subsection (a)(3) shall register with the local law enforcement authority in the county where the sex or violent offender is enrolled or ~~intends~~ expects to be enrolled as ~~a student~~. **described in section 9(a)(3) of this chapter. If a sex or violent offender is enrolled or expects to be enrolled as described in section 9(a)(3) of this chapter in more than one (1) county, the sex or violent offender shall register with the local law enforcement authority in each county.** If the sex or violent offender is also required to register under subsection (a)(1) or (a)(2), the sex or violent offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (b) or (c).

(e) A sex or violent offender described in subsection (a)(1)(B) shall register with the local law enforcement authority in the county in which the real property is located. If the sex or violent offender is also required to register under subsection (a)(1)(A), (a)(2), or (a)(3), the sex or violent offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (b), (c), or (d).

(f) ~~☆ For every~~ sex or violent offender committed to the department, ~~shall register with the department before the sex or violent offender is released from incarceration. The department shall forward the sex or violent offender's registration information to the local law enforcement authority of every county in which the sex or violent offender is required to register.~~ **the department shall determine:**

- (1) whether the person is required to register;
- (2) whether the person is a:
 - (A) tier III sex offender;
 - (B) tier II sex offender;
 - (C) tier I sex offender; or
 - (D) violent offender;
- (3) whether the person is a sexually violent predator under IC 35-38-1-7.5;
- (4) the period for which the person will be required to register

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as a sex or violent offender in Indiana; and

(5) any other matter required by law to make a registration determination.

The department shall enter into the registry the information described in section 8 of this chapter before the sex or violent offender is released from the department.

(g) This subsection does not apply to a sex or violent offender who is a sexually violent predator. A sex or violent offender not committed to the department shall register not more than seven (7) days after the sex or violent offender:

- (1) is released from a penal facility (as defined in IC 35-41-1-21);
- (2) is released from a secure private facility (as defined in IC 31-9-2-115);
- (3) is released from a juvenile detention facility;
- (4) is transferred to a community transition program;
- (5) is placed on parole;
- (6) is placed on probation;
- (7) is placed on home detention; or
- (8) arrives at the place where the sex or violent offender is required to register under subsection (b); (c); or (d);

whichever occurs first. A sex or violent offender required to register in more than one (1) county under subsection (b); (c); (d); or (e) shall register in each appropriate county not more than seventy-two (72) hours after the sex or violent offender's arrival in that county or acquisition of real estate in that county.

(h) This subsection applies to a sex or violent offender who is a sexually violent predator. (g) A sex or violent offender who is a sexually violent predator shall register with the local law enforcement authority as required under subsection (b), (c), (d), or (e), or with the appropriate law enforcement agency in another jurisdiction, not more than seventy-two (72) hours after the sex or violent offender:

- (1) is released from a penal facility (as defined in IC 35-41-1-21);
- (2) is released from a secure private facility (as defined in IC 31-9-2-115);
- (3) is released from a juvenile detention facility;
- (4) is transferred to a community transition program;
- (5) is placed on parole;
- (6) is placed on probation;
- (7) is placed on home detention; or
- (8) arrives at the place location where the sexually violent predator sex or violent offender is required to register under subsection (b), (c), or (d), or (e); or

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(9) arrives at the location in a jurisdiction outside Indiana where the sex or violent offender is required to register;
 whichever occurs first. A sex or violent offender who is a **sexually violent predator** required to register in more than one (1) county under subsection (b), (c), (d), or (e) shall register in each appropriate county not more than seventy-two (72) hours after the offender's arrival in that county or acquisition of real estate in that county.

(i) The local law enforcement authority with whom a sex or violent offender registers under this section shall make and publish a photograph of the sex or violent offender on the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5. The local law enforcement authority shall make a photograph of the sex or violent offender that complies with the requirements of IC 36-2-13-5.5 at least once per year. The sheriff of a county containing a consolidated city shall provide the police chief of the consolidated city with all photographic and computer equipment necessary to enable the police chief of the consolidated city to transmit sex or violent offender photographs (and other identifying information required by IC 36-2-13-5.5) to the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5. In addition, the sheriff of a county containing a consolidated city shall provide all funding for the county's financial obligation for the establishment and maintenance of the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5.

(j) **(h)** When a sex or violent offender registers, the local law enforcement authority shall:

- (1) immediately update the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5;
- (2) notify every law enforcement agency having jurisdiction in the county where the sex or violent offender ~~resides~~; **is registered**;
- (3) notify every:**

- (A) school;**
- (B) day care center;**
- (C) head start program (42 U.S.C. 9831 et seq.);**
- (D) public housing agency;**
- (E) social service entity responsible for protecting minors in the child welfare system; and**
- (F) volunteer organization in which contact with a minor or other vulnerable individual might occur;**

located in the county where the sex or violent offender is registered; and

- (3) (4) update the National Crime Information Center National**

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Sex Offender Registry data base via the Indiana data and communications system (IDACS).

When a sex or violent offender from a jurisdiction outside Indiana registers a change of address, **electronic mail address, instant messaging username, electronic chat room username, social networking site username**, employment, vocation, or enrollment in to Indiana, the local law enforcement authority shall provide the department with the information provided by the sex or violent offender during registration.

(i) If a sex or violent offender fails to register as required under subsection (b), (c), (d), or (e) as required in this section, the local law enforcement authority in the destination county shall immediately notify the department and request that the prosecuting attorney in the county pursue a failure to register warrant for a violation of section 17 of this chapter. If the offender fails to register in a jurisdiction outside Indiana, the department shall contact the United States Marshals Service.

SECTION 12. IC 11-8-8-8, AS AMENDED BY P.L.216-2007, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. **(a) The registration required under this chapter must include the local law enforcement authority or other agency responsible for registering or updating the registration of a sex or violent offender shall collect or update the following information:**

(1) The sex or violent offender's full name; alias; any name by which the sex or violent offender was previously known; date of birth; sex; race; height; weight; hair color; eye color; any scars; marks; or tattoos; Social Security number; driver's license number or state identification card number; vehicle description and vehicle plate number for any vehicle the sex or violent offender owns or operates on a regular basis; principal residence address; other address where the sex or violent offender spends more than seven (7) nights in a fourteen (14) day period; and mailing address, if different from the sex or violent offender's principal residence address.

(2) A description of the offense for which the sex or violent offender was convicted; the date of conviction; the county of the conviction; the cause number of the conviction; and the sentence imposed; if applicable.

(3) If the person is required to register under section 7(a)(2) or 7(a)(3) of this chapter, the name and address of each of the sex or violent offender's employers in Indiana; the name and address of each campus or location where the sex or violent offender is

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enrolled in school in Indiana; and the address where the sex or violent offender stays or intends to stay while in Indiana.

(4) A recent photograph of the sex or violent offender.

(5) If the sex or violent offender is a sexually violent predator; that the sex or violent offender is a sexually violent predator.

(6) If the sex or violent offender is required to register for life; that the sex or violent offender is required to register for life.

(7) Any other information required by the department.

(1) Name identifiers, including the following:

(A) The full name.

(B) Any alias or previous name.

(2) Communication identifiers, including the following:

(A) Any telephone numbers and any other designations used by the person for purposes of routing or self-identification in telephonic communication.

(B) Any designation or moniker used for routing or self-identification in Internet communications or posting, including the following:

(i) An electronic chat room username.

(ii) An electronic mail address.

(iii) An instant messaging username.

(iv) A social networking web site username.

(3) Demographic and descriptive identifiers, including the following:

(A) Date of birth and any purported date of birth.

(B) Social Security number and any purported Social Security number.

(C) Sex.

(D) Race.

(E) Height.

(F) Weight.

(G) Hair color.

(H) Eye color.

(I) Any scar, mark, or tattoo.

(4) Licensing information that authorizes the person to engage in an occupation or carry out a trade or business.

(5) Vehicle, transportation, and traveling identifiers, including the following:

(A) Driver's license or state identification card number.

(B) An alias or any purported driver's license number or state identification card number.

(C) A digitized copy of a passport or other information

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establishing the person's immigration status.

(D) A description and vehicle plate number or, if a plate number is not available, another identifying number for all vehicles owned by the person or used by the person on a regular basis, including the person's personal vehicle, work vehicle, and any watercraft or aircraft the person owns or operates on a regular basis.

(E) The location where the person's vehicles are habitually parked, docked, and otherwise kept.

(6) Residence, employment, and school identifiers, including the following:

(A) Principal residence.

(B) If the person is required to register under section 7(a)(2) of this chapter, the name and address of each of the person's employers in Indiana.

(C) The person's work location, including the normal travel routes and general areas in which the person works.

(D) If the person is required to register under section 7(a)(3) of this chapter, the name and address of each campus or location where the person is enrolled in school in Indiana, and the address that the person stays or expects to stay while in Indiana.

(E) Mailing address, if different from the person's principal residence address.

(F) Any other address where the person spends more than seven (7) nights in a fourteen (14) day period, or thirty (30) or more nonconsecutive days within a calendar year.

(7) Offense information, including the following:

(A) The criminal code citation to the offense of which the person was convicted.

(B) A description of the offense of which the person was convicted.

(C) The date of conviction.

(D) The county or jurisdiction of the conviction.

(E) The cause number of the conviction.

(F) The sentence imposed.

(8) A current photograph of the person.

(9) Any other information required by the department.

(b) If any information required under subsection (a)(2), (a)(5), or (a)(6) changes, the sex or violent offender shall report in person to the local law enforcement authority having jurisdiction over the sex or violent offender's current principal residence or location

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and update the changed information not later than seventy-two (72) hours after the information changes.

(c) If any information required under subsection (a)(2), (a)(5), or (a)(6) changes, the local law enforcement authority shall do the following:

- (1) Immediately update the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5.
- (2) Notify every law enforcement agency having jurisdiction in the county or counties where the sex or violent offender is registered.
- (3) Update the National Crime Information Center's National Sex Offender Registry data base via the Indiana data and communications system (IDACS).

SECTION 13. IC 11-8-8-9, AS AMENDED BY P.L.216-2007, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9. (a) Not more than seven (7) days before an Indiana sex or violent offender who is required to register under this chapter is scheduled to be released from a **penal facility (as defined in IC 35-41-1-21)**, a secure private facility (as defined in IC 31-9-2-115), or ~~released from~~ a juvenile detention facility, an official of the facility shall do the following:

- (1) Orally inform the sex or violent offender of the sex or violent offender's duty to register under this chapter and require the sex or violent offender to sign a written statement **affirming** that the sex or violent offender was orally informed **of the duty to register** or, if the sex or violent offender refuses to sign the statement, certify that the sex or violent offender was orally informed of the duty to register.
- (2) Deliver a form advising the sex or violent offender of the sex or violent offender's duty to register under this chapter and require the sex or violent offender to sign a written statement that the sex or violent offender received the written notice or, if the sex or violent offender refuses to sign the statement, certify that the sex or violent offender was given the written notice of the duty to register.
- (3) Obtain the address where the sex or violent offender expects to reside, **work, carry on a vocation, or attend school** after the sex or violent offender's release.
- (4) Transmit to the local law enforcement authority in the county where the sex or violent offender expects to reside, **work, carry on a vocation, or attend school**, the sex or violent offender's name, date of release or transfer, new address, and the offense or

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delinquent act committed by the sex or violent offender.

(b) Not more than seventy-two (72) hours after a sex or violent offender who is required to register under this chapter is released or transferred as described in subsection (a), an official of the facility shall transmit to the state police the following:

- (1) The sex or violent offender's fingerprints, photograph, and identification factors.
- (2) The address where the sex or violent offender expects to reside after the sex or violent offender's release.
- (3) The complete criminal history data (as defined in IC 10-13-3-5) or, if the sex or violent offender committed a delinquent act, juvenile history data (as defined in IC 10-13-4-4) of the sex or violent offender.
- (4) Information regarding the sex or violent offender's past treatment for mental disorders.
- (5) Information as to whether the sex or violent offender has been determined to be a sexually violent predator.

(c) This subsection applies if a sex or violent offender is placed on probation or in a community corrections program without being confined in a penal facility. The probation office serving the court in which the sex or violent offender is sentenced shall perform the duties required under subsections (a) and (b) **and, not later than seventy-two (72) hours after sentencing, forward registration information required in section 8 of this chapter to every local law enforcement authority in which the sex or violent offender is required to register under section 7(b), 7(c), 7(d), or 7(e) of this chapter.**

(d) For any sex or violent offender who is not committed to the department, the probation office of the sentencing court shall transmit to the department a copy of the sex or violent offender's:

- (1) sentencing order;
- (2) presentence investigation; and
- (3) any other information required by the department to make a determination concerning sex or violent offender registration.

(e) If a local law enforcement authority determines that a sex or violent offender has not been notified of the obligation to register, the authority shall do the following:

- (1) Orally inform the sex or violent offender of the sex or violent offender's duty to register under this chapter and require the sex or violent offender to sign a written statement affirming that the sex or violent offender was orally informed of the duty to register, or, if the sex or violent offender refuses**

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to sign the statement, certify that the sex or violent offender was orally informed of the duty to register.

(2) Deliver a form advising the sex or violent offender of the sex or violent offender's duty to register under this chapter and require the sex or violent offender to sign a written statement affirming that the sex or violent offender received the written notice, or, if the sex or violent offender refuses to sign the statement, certify that the sex or violent offender was given the written notice of the duty to register.

(3) Advise the sex or violent offender that the sex or violent offender is required to report in person and register within seventy-two (72) hours of this notice.

SECTION 14. IC 11-8-8-11, AS AMENDED BY P.L.216-2007, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 11. (a) If a sex or violent offender who is required to register under this chapter changes:

(1) principal residence; ~~address~~; or

(2) if section 7(a)(2) or 7(a)(3) of this chapter applies, the place where the sex or violent offender stays in Indiana; or

(3) **communications identifiers (as described in section 8(2) of this chapter);**

the sex or violent offender shall report in person to the local law enforcement authority having jurisdiction over the sex or violent offender's current principal ~~address~~ **residence** or location and, if the offender moves to a new county in Indiana, to the local law enforcement authority having jurisdiction over the sex or violent offender's new principal ~~address~~ **residence** or location not more than seventy-two (72) hours after the address change.

(b) If a sex or violent offender moves to a new county in Indiana, the local law enforcement authority ~~where the sex or violent offender's current principal residence address is located in the new county in Indiana~~ shall inform the local law enforcement authority in the ~~new county where the sex or violent offender's principal residence was previously located~~ **new county where the sex or violent offender's principal residence was previously located** of the sex or violent offender's new residence and ~~forward~~ **shall send a copy of** all relevant registration information concerning the sex or violent offender ~~in the new county~~ to the local law enforcement authority in the ~~new county where the sex or violent offender's principal residence was previously located~~ **new county**. The local law enforcement authority receiving notice under this subsection shall verify the address of the sex or violent offender under section 13 of this chapter not more than seven (7) days after receiving the notice. The local law enforcement

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authority in the county where the sex or violent offender's principal residence was previously located shall in turn forward all relevant registration information concerning the sex or violent offender in that county to the local law enforcement authority in the new county.

(c) If a sex or violent offender who is required to register under section 7(a)(2) or 7(a)(3) of this chapter changes the sex or violent offender's principal place of employment, principal place of vocation, or campus or location where the sex or violent offender is enrolled in school, the sex or violent offender shall report in person:

(1) to the local law enforcement authority having jurisdiction over the sex or violent offender's current principal place of employment, principal place of vocation, or campus or location where the sex or violent offender is enrolled in school; and

(2) if the sex or violent offender changes the sex or violent offender's place of employment, vocation, or enrollment to a new county in Indiana, to the local law enforcement authority having jurisdiction over the sex or violent offender's new principal place of employment, principal place of vocation, or campus or location where the sex or violent offender is enrolled in school;

not more than seventy-two (72) hours after the change.

(d) If a sex or violent offender moves the sex or violent offender's place of employment, vocation, or enrollment to a new county in Indiana, the local law enforcement authority ~~having jurisdiction over the sex or violent offender's current principal place of employment, principal place of vocation, or campus or location where the sex or violent offender is enrolled in school~~ **in the new county where the sex or violent offender's new principal place of employment, vocation, or enrollment is located** shall inform the local law enforcement authority ~~in the new county of the sex or violent offender's new principal place of employment, vocation, or enrollment~~ **having jurisdiction over the sex or violent offender's former principal place of employment, principal place of vocation, or campus or location where the sex or violent offender was enrolled in school** by forwarding relevant registration information to the local law enforcement authority in the ~~new~~ **previous** county of residence.

(e) If a sex or violent offender moves the sex or violent offender's residence, place of employment, vocation, or enrollment to a new state, the local law enforcement authority shall inform the ~~state police agency that oversees sex or violent offender registration activities~~ **in the new state of the sex or violent offender's new place of residence, employment, vocation, or enrollment.**

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(f) If a sex or violent offender who is required to register under this chapter intends to change the sex or violent offender's principal residence, place of employment, place of vocation, or campus or location where the sex or violent offender is enrolled in school to a jurisdiction outside the United States, the sex or violent offender shall report in person to the local law enforcement authority having jurisdiction over the sex or violent offender's current principal residence seventy-two (72) hours before the move and provide the information required under section 8 of this chapter in addition to the name of the country to which the sex or violent offender plans to relocate.

(f) (g) A local law enforcement authority shall make registration information, including information concerning the duty to register and the penalty for failing to register, available to a sex or violent offender.

(g) (h) A local law enforcement authority who is notified of a change under subsection (a), (c), or (f) shall:

(1) immediately update the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5;

(2) notify every:

(A) school;

(B) day care center;

(C) head start program (42 U.S.C. 9831 et seq.);

(D) public housing agency;

(E) social service entity responsible for protecting minors in the child welfare system;

(F) volunteer organization in which contact with a minor or other vulnerable individual might occur; and

(G) law enforcement agency having jurisdiction;

in the county or counties where the sex or violent offender is registered;

(3) update the National Crime Information Center National Sex Offender Registry data base via the Indiana data and communications system (IDACS);

(4) if the sex or violent offender plans to relocate outside the United States, notify the United States Marshals Service; and

(5) notify the department.

(i) If a sex or violent offender who is registered with a local law enforcement authority becomes incarcerated, the local law enforcement authority shall transmit a copy of the information provided by the sex or violent offender during registration to the department.

(j) If a sex or violent offender is no longer required to register due to the expiration of the registration period, the local law

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enforcement authority shall transmit a copy of the information provided by the sex or violent offender during registration to the department.

(k) If a sex or violent offender fails to register as required under section 7(b), 7(c), 7(d), or 7(e) of this chapter, the local law enforcement authority in the destination county shall immediately notify the department and request that the prosecuting attorney in the county pursue a failure to register warrant for a violation of section 17 of this chapter, if applicable.

SECTION 15. IC 11-8-8-12, AS AMENDED BY P.L.216-2007, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 12. (a) As used in this section, "temporary residence" means a residence:

- (1) that is established to provide transitional housing for a person without another residence; and
- (2) in which a person is not typically permitted to reside for more than thirty (30) days in a sixty (60) day period.

(b) This section applies only to a sex or violent offender who resides in a temporary residence. In addition to the other requirements of this chapter, a sex or violent offender who resides in a temporary residence shall **register report** in person ~~with~~ **to** the local law enforcement authority in **the county where the sex or violent offender temporarily resides and provide the sex or violent offender's temporary residence location and any other information required by the local law enforcement authority: which the temporary residence is located:**

- (1) not more than seventy-two (72) hours after the sex or violent offender moves into the temporary residence; and
- (2) during the period in which the sex or violent offender resides in a temporary residence, at least once every seven (7) days following the sex or violent offender's initial registration under subdivision (1).

(c) A sex or violent offender who does not have a principal residence or temporary residence shall report in person to the local law enforcement authority in the county where the sex or violent offender **temporarily resides and provide a description of the sex or violent offender's exact location and any other information required by the local law enforcement authority: at least once every seven (7) days to report an address for the location where the sex or violent offender will stay during the time in which the sex or violent offender lacks a principal address or temporary residence:**

- (1) not more than seventy-two (72) hours after the sex or violent offender moves into the location; and**

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(2) during the period in which the sex or violent offender resides in the location, at least once every seven (7) days following the sex or violent offender's initial registration under subdivision (1).

(d) A sex or violent offender's obligation to register in person once every seven (7) days terminates when the sex or violent offender no longer resides in the temporary residence or location described in subsection **(b) or (c)**. However, all other requirements imposed on a sex or violent offender by this chapter continue in force, including the requirement that a sex or violent offender register the sex or violent offender's new address with the local law enforcement authority.

SECTION 16. IC 11-8-8-13, AS AMENDED BY P.L.216-2007, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 13. (a) To verify a sex or violent offender's current residence, the local law enforcement authority having jurisdiction over the area of the sex or violent offender's current principal ~~address~~ **residence** or location shall do the following:

(1) Mail a form that is ~~approved or~~ prescribed by the department to each ~~sex or violent offender tier III sex offender~~ in the county at the ~~sex or violent offender's listed principal residence address~~ at least one (1) time ~~per year every ninety (90) days~~, beginning seven (7) days after the local law enforcement authority receives a notice under section 11 or 20 of this chapter or the date the ~~sex or violent tier III sex offender~~ is:

(A) released from a penal facility (as defined in IC 35-41-1-21); ~~a secure private facility (as defined in IC 31-9-2-115); or a juvenile detention facility;~~

(B) released from a secure private facility (as defined in IC 31-9-2-115);

(C) released from a juvenile detention facility;

~~(B)~~ **(D) transferred to** a community transition program;

~~(C)~~ placed in a community corrections program;

~~(D)~~ **(E)** placed on parole; ~~or~~

~~(E)~~ **(F)** placed on probation;

(G) placed on home detention; or

(H) at the location where the offender is required to register under section 7(b), 7(c), 7(d), or 7(e) of this chapter;

whichever occurs first.

(2) Mail a form that is ~~approved or~~ prescribed by the department to each ~~sex or violent offender who is designated a sexually~~

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~~violent predator under IC 35-38-1-7.5 tier II sex offender in the county at the offender's principal residence at least once every ninety (90) one (1) time every one hundred eighty (180) days,~~ beginning seven (7) days after the local law enforcement authority receives a notice under section 11 or 20 of this chapter or the date the ~~sex or violent offender tier II sex offender~~ is:

(A) released from a penal facility (as defined in IC 35-41-1-21); ~~a secure private facility (as defined in IC 31-9-2-115); or a juvenile detention facility;~~

(B) released from a secure private facility (as defined in IC 31-9-2-115);

(C) released from a juvenile detention facility;

~~(B)~~ **(D) transferred to a community transition program;**

~~(C)~~ placed in a community corrections program;

~~(D)~~ **(E) placed on parole; or**

~~(E)~~ **(F) placed on probation;**

(G) placed on home detention; or

(H) at the location where the offender is required to register under section 7(b), 7(c), 7(d), or 7(e) of this chapter;

whichever occurs first.

(3) Mail a form that is prescribed by the department to each tier I sex offender in the county at the offender's principal residence at least one (1) time each three hundred sixty-five (365) days, beginning seven (7) days after the local law enforcement authority receives a notice under section 11 or 20 of this chapter or the date the tier I sex offender is:

(A) released from a penal facility (as defined in IC 35-41-1-21);

(B) released from a secure private facility (as defined in IC 31-9-2-115);

(C) released from a juvenile detention facility;

(D) transferred to a community transition program;

(E) placed on parole;

(F) placed on probation;

(G) placed on home detention; or

(H) at the location where the offender is required to register under section 7(b), 7(c), 7(d), or 7(e) of this chapter;

whichever occurs first.

(4) Mail a form that is prescribed by the department to each

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violent offender in the county at the offender's principal residence at least one (1) time each three hundred sixty-five (365) days, beginning seven (7) days after the local law enforcement authority receives a notice under section 11 or 20 of this chapter or the date the violent offender is:

- (A) released from a penal facility (as defined in IC 35-41-1-21);
- (B) released from a secure private facility (as defined in IC 31-9-2-115);
- (C) released from a juvenile detention facility;
- (D) transferred to a community transition program;
- (E) placed on parole;
- (F) placed on probation;
- (G) placed on home detention; or
- (H) at the location where the offender is required to register under section 7(b), 7(c), 7(d), or 7(e) of this chapter;

whichever occurs first.

~~(3)~~ (5) Personally visit each ~~sex or violent offender tier III sex offender~~ in the county at the ~~sex or violent offender's listed principal residence address~~ at least one (1) time ~~per year every ninety (90) days~~, beginning seven (7) days after the local law enforcement authority receives a notice under section 7 of this chapter or the date the ~~sex or violent tier III sex offender~~ is:

- (A) released from a penal facility (as defined in IC 35-41-1-21); a secure private facility (as defined in IC 31-9-2-115); or a juvenile detention facility;
- (B) released from a secure private facility (as defined in IC 31-9-2-115);
- (C) released from a juvenile detention facility;
- ~~(B)~~ placed in (D) transferred to a community transition program;
- ~~(C)~~ placed in a community corrections program;
- ~~(D)~~ (E) placed on parole; or
- ~~(E)~~ (F) placed on probation;
- (G) placed on home detention; or
- (H) at the location where the offender is required to register under section 7(b), 7(c), 7(d), or 7(e) of this chapter;

whichever occurs first.

~~(4)~~ (6) Personally visit each ~~sex or violent tier II sex offender~~ who is designated a sexually violent predator under

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~~IC 35-38-1-7.5~~ in the county at the offender's principal residence at least ~~once~~ **one (1) time** every ~~ninety (90)~~ **one hundred eighty (180)** days, beginning seven (7) days after the local law enforcement authority receives a notice under section 7 of this chapter or the date the ~~sex or violent tier II sex~~ offender is:

(A) released from a penal facility (as defined in IC 35-41-1-21); a ~~secure private facility (as defined in IC 31-9-2-115)~~; or a juvenile detention facility;

(B) released from a secure private facility (as defined in IC 31-9-2-115);

(C) released from a juvenile detention facility;

~~(B)~~ **(D) transferred to** a community transition program;

~~(C)~~ placed in a community corrections program;

~~(D)~~ **(E)** placed on parole; or

~~(E)~~ **(F)** placed on probation;

(G) placed on home detention; or

(H) at the location where the offender is required to register under section 7(b), 7(c), 7(d), or 7(e) of this chapter;

whichever occurs first.

(7) Personally visit each tier I sex offender in the county at the offender's principal residence at least one (1) time every three hundred sixty-five (365) days, beginning seven (7) days after the local law enforcement authority receives a notice under section 7 of this chapter or the date the tier I sex offender is:

(A) released from a penal facility (as defined in IC 35-41-1-21);

(B) released from a secure private facility (as defined in IC 31-9-2-115);

(C) released from a juvenile detention facility;

(D) transferred to a community transition program;

(E) placed on parole;

(F) placed on probation;

(G) placed on home detention; or

(H) at the location where the offender is required to register under section 7(b), 7(c), 7(d), or 7(e) of this chapter;

whichever occurs first.

(8) Personally visit each violent offender in the county at the offender's principal residence at least one (1) time every three

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hundred sixty-five (365) days, beginning seven (7) days after the local law enforcement authority receives a notice under section 7 of this chapter or the date the violent offender is:

- (A) released from a penal facility (as defined in IC 35-41-1-21);**
- (B) released from a secure private facility (as defined in IC 31-9-2-115);**
- (C) released from a juvenile detention facility;**
- (D) transferred to a community transition program;**
- (E) placed on parole;**
- (F) placed on probation;**
- (G) placed on home detention; or**
- (H) at the location where the offender is required to register under section 7(b), 7(c), 7(d), or 7(e) of this chapter;**

whichever occurs first.

(b) If a sex or violent offender fails to return a signed form either by mail or in person, not later than fourteen (14) days after mailing, or appears not to reside at the ~~listed address;~~ **principal residence**, the local law enforcement authority shall immediately notify the department and **request that the prosecuting attorney of the county seek a warrant for failure to register under IC 11-8-8-17.**

SECTION 17. IC 11-8-8-14, AS AMENDED BY P.L.216-2007, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 14. (a) ~~This subsection does not apply to a sex or violent offender who is a sexually violent predator.~~ In addition to the other requirements of this chapter, a ~~sex or violent tier III sex~~ offender who is required to register under this chapter shall: ~~at least one (1) time per calendar year:~~

- (1) report in person to the local law enforcement authority;
- (2) register; and
- (3) be photographed by the local law enforcement authority;

in each location where the offender is required to register **at least one (1) time every ninety (90) days, on a schedule determined by the local law enforcement authority.**

(b) ~~This subsection applies to a sex or violent offender who is a sexually violent predator.~~ In addition to the other requirements of this chapter, a ~~sex or violent tier II sex~~ offender ~~who is a sexually violent predator under IC 35-38-1-7.5 who is required to register under this chapter~~ shall:

- (1) report in person to the local law enforcement authority;
- (2) register; and

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(3) be photographed by the local law enforcement authority; in each location where the sex or violent offender is required to register;

every ninety (90) in each location where the offender is required to register at least one (1) time every one hundred eighty (180) days.

(c) In addition to the other requirements of this chapter, a tier I sex offender who is required to register under this chapter shall:

- (1) report in person to the local law enforcement authority;
- (2) register; and

(3) be photographed by the local law enforcement authority; in each location where the offender is required to register at least one (1) time every three hundred sixty-five (365) days, on a schedule determined by the local law enforcement authority.

(d) In addition to the other requirements of this chapter, a violent offender who is required to register under this chapter shall:

- (1) report in person to the local law enforcement authority;
- (2) register; and

(3) be photographed by the local law enforcement authority; in each location where the offender is required to register at least one (1) time every three hundred sixty-five (365) days, on a schedule determined by the local law enforcement authority.

(e) Each time a sex or violent offender who claims to be working or attending school registers in person, the sex or violent offender shall provide documentation to the local law enforcement authority providing evidence that the sex or violent offender is still working or attending school at the registered location.

(f) If a sex or violent offender fails to register as required under this section, the local law enforcement authority shall immediately notify the department and request that the prosecuting attorney of the county seek a warrant for failure to register under IC 11-8-8-17.

(g) All information provided by a sex or violent offender as part of the registration process must be certified as true under penalties of perjury.

SECTION 18. IC 11-8-8-15, AS AMENDED BY P.L.216-2007, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 15. (a) A sex or violent offender who is a resident of Indiana shall obtain and keep in the sex or violent offender's possession:

- (1) a valid Indiana driver's license; or
- (2) a valid Indiana identification card (as described in

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IC 9-24-16).

(b) A sex or violent offender required to register in Indiana who is not a resident of Indiana shall obtain and keep in the sex or violent offender's possession:

- (1) a valid driver's license issued by the state in which the sex or violent offender resides; or
- (2) a valid state issued identification card issued by the state in which the sex or violent offender resides.

(c) A person who knowingly or intentionally violates this section commits failure of a sex or violent offender to possess identification, a Class A misdemeanor. However, the offense is a Class D felony if the person:

(1) is a tier III sex offender;

~~(1)~~ **(2) is a sexually violent predator (as defined in IC 35-38-1-7.5); or**

~~(2)~~ **(3) has a prior unrelated conviction:**

- (A) under this section; or
- (B) based on the person's failure to comply with any requirement imposed on an offender under this chapter.

(d) It is a defense to a prosecution under this section that:

- (1) the person has been unable to obtain a valid driver's license or state issued identification card because less than thirty (30) days have passed since the person's release from incarceration; or
- (2) the person possesses a driver's license or state issued identification card that expired not more than thirty (30) days before the date the person violated subsection (a) or (b).

SECTION 19. IC 11-8-8-16, AS AMENDED BY P.L.216-2007, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 16. (a) A sex or violent offender who is required to register under this chapter may not petition for a change of name under IC 34-28-2.

(b) If a sex or violent offender who is required to register under this chapter changes the sex or violent offender's name due to marriage, the sex or violent offender **shall report in person to the local law enforcement authority having jurisdiction over the sex or violent offender's current principal residence or location, or, if the sex or violent offender has no principal residence, the local law enforcement authority having jurisdiction where the sex or violent offender is registered under section 7(c), 7(d), or 7(e) of this chapter, and provide documentation of the change must register with the local law enforcement authority not more than seven (7) days seventy-two (72) hours** after the name change.

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SECTION 20. IC 11-8-8-17, AS AMENDED BY P.L.216-2007, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 17. (a) **Except as provided in subsection (c), a sex or violent offender required to register under this chapter** who knowingly or intentionally:

- (1) fails to register when required to register under this chapter;
- (2) fails to register in every location where the sex or violent offender is required to register under this chapter;
- (3) makes a material misstatement or omission while registering as a sex or violent offender under this chapter;
- (4) fails to register **or report** in person as required under this chapter; or
- (5) does not reside at the sex or violent offender's registered address or location;

commits a Class D felony.

(b) The offense described in subsection (a) is a Class C felony if the sex or violent offender has a prior unrelated conviction for an offense:

- (1) under this section; or
- (2) based on the person's failure to comply with any requirement imposed on a sex or violent offender under this chapter or under IC 5-2-12 before its repeal.

(c) ~~It is not a defense to a prosecution under this section that the sex or violent offender was unable to pay the sex or violent offender registration fee or the sex or violent offender address change fee described under IC 36-2-13-5.6.~~

(c) This subsection applies only to a sex or violent offender required to register under this chapter who:

- (1) changes the sex or violent offender's principal residence to a new county in Indiana; and**
- (2) registers with the local law enforcement authority in the new county having jurisdiction over the sex or violent offender's new principal residence not more than seventy-two (72) hours after the change of address.**

A sex or violent offender to whom this subsection applies who fails to register with the local law enforcement authority having jurisdiction over the sex or violent offender's former principal residence in the previous county of residence commits a Class C infraction.

SECTION 21. IC 11-8-8-18, AS AMENDED BY P.L.216-2007, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 18. (a) A ~~sexually violent predator tier II sex offender~~ who will be absent from the ~~sexually violent predator's~~

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person's principal residence for more than ~~seventy-two (72) hours~~ **seven (7) days** shall inform the local law enforcement authority in the county where the ~~sexually violent predator's~~ **person's** principal ~~address~~ **residence** is located, in person, of the following:

- (1) That the ~~sexually violent predator~~ **person** will be absent from the ~~sexually violent predator's~~ **person's** principal residence for more than ~~seventy-two (72) hours~~ **seven (7) days**.
- (2) The location where the ~~sexually violent predator~~ **person** will be located during the absence from the ~~sexually violent predator's~~ **person's** principal residence.
- (3) The length of time the ~~sexually violent predator~~ **person** will be absent from the ~~sexually violent predator's~~ **person's** principal residence.

If the tier II sex offender will spend more than seven (7) days away from the county of the principal residence, the local law enforcement authority in the county where the person's principal residence is located shall notify the local law enforcement authority in the new county where the person plans to stay.

(b) A ~~sexually violent predator~~ **tier II sex offender** who will spend more than ~~seventy-two (72) hours~~ in a county in which the ~~sexually violent predator~~ is not required to register **seven (7) days away from the county where the person's principal residence is located** shall inform the local law enforcement authority in the **new county, in which the sexually violent predator is not required to register**, in person, of the following:

- (1) That the ~~sexually violent predator~~ **person** will spend ~~more than seventy-two (72) hours~~ **time** in the county.
- (2) The location where the ~~sexually violent predator~~ **person** will be located while spending time in the county.
- (3) The length of time the ~~sexually violent predator~~ **person** will remain in the county.

Upon request of the local law enforcement authority of the county in which the ~~sexually violent predator~~ **tier II sex offender** is not required to register, the ~~sexually violent predator~~ **person** shall provide the local law enforcement authority with any additional information that will assist the local law enforcement authority in determining the ~~sexually violent predator's~~ **person's** whereabouts during the ~~sexually violent predator's~~ **person's** stay in the county.

(c) A **tier III sex offender** who will be absent from the **person's principal residence for more than seventy-two (72) hours** shall inform the local law enforcement authority in the county where the **person's principal residence is located**, in person, of the following:

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- (1) That the person will be absent from the person's principal residence for more than seventy-two (72) hours.
- (2) The location where the person will be located during the absence from the person's principal residence.
- (3) The length of time the person will be absent from the person's principal residence.

If the tier III sex offender will spend more than seventy-two (72) hours away from the county of the principal residence, the local law enforcement authority in the county where the person's principal residence is located shall notify the local law enforcement authority in the new county where the person plans to stay.

(d) A tier III sex offender who will spend more than seventy-two (72) hours away from the county where the person's principal residence is located shall inform the local law enforcement authority in the new county, in person, of the following:

- (1) That the person will spend time in the county.
- (2) The location where the person will be located while spending time in the county.
- (3) The length of time the person will remain in the county.

Upon request of the local law enforcement authority of the county in which the tier III sex offender is not required to register, the person shall provide the local law enforcement authority with any additional information that will assist the local law enforcement authority in determining the person's whereabouts during the person's stay in the county.

(c) (e) A sexually violent predator tier II or tier III sex offender who knowingly or intentionally violates this section commits failure to notify, a Class A misdemeanor. However, the offense is a Class D felony if the person has a prior unrelated conviction under this section based on the person's failure to comply with any requirement imposed on a sex or violent offender under this chapter.

SECTION 22. IC 11-8-8-19, AS AMENDED BY P.L.216-2007, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 19. (a) Except as provided in subsections (b) through (c), a sex or violent offender is required to register under this chapter until the expiration of ten (10) years after the date the sex or violent offender:

- (1) is released from a penal facility (as defined in IC 35-41-1-21) or a secure juvenile detention facility of a state or another jurisdiction;
- (2) is placed in a community transition program;
- (3) is placed in a community corrections program;

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(4) is placed on parole; or

(5) is placed on probation;

whichever occurs last. The department shall ensure that an offender who is no longer required to register as a sex or violent offender is notified that the obligation to register has expired. A tier III sex offender is required to register for life.

(b) A sex or violent offender who is a sexually violent predator is required to register for life. A tier II sex offender is required to register under this chapter until the expiration of twenty-five (25) years from the date the sex or violent offender was:

(1) released from a penal facility (as defined in IC 35-41-1-21);

(2) released from a secure private facility (as defined in IC 31-9-2-115);

(3) released from a juvenile detention facility;

(4) transferred to a community transition program;

(5) placed on parole;

(6) placed on probation; or

(7) placed on home detention;

whichever occurs last.

(c) A sex or violent offender who is convicted of at least one (1) offense under section 5(a) of this chapter that the sex or violent offender committed:

(1) when the person was at least eighteen (18) years of age; and

(2) against a victim who was less than twelve (12) years of age at the time of the crime;

is required to register for life. A tier I sex offender is required to register under this chapter until the expiration of fifteen (15) years from the date the sex or violent offender was:

(1) released from a penal facility (as defined in IC 35-41-1-21);

(2) released from a secure private facility (as defined in IC 31-9-2-115);

(3) released from a juvenile detention facility;

(4) transferred to a community transition program;

(5) placed on parole;

(6) placed on probation; or

(7) placed on home detention;

whichever occurs last.

(d) A sex or violent offender who is convicted of at least one (1) offense under section 5(a) of this chapter in which the sex offender:

(1) proximately caused serious bodily injury or death to the

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victim;

(2) used force or the threat of force against the victim or a member of the victim's family; unless the offense is sexual battery as a Class D felony; or

(3) rendered the victim unconscious or otherwise incapable of giving voluntary consent;

A violent offender is required to register for life.

(e) A sex or violent offender who is convicted of at least two (2) unrelated offenses under section 5(a) of this chapter is required to register for life.

(f) (e) A person who is required to register as a sex or violent offender in any jurisdiction shall register for the period required by the other jurisdiction or the period described in this section, whichever is longer.

(f) A tier I sex offender's registration requirement may be reduced from fifteen (15) years to ten (10) years if the person:

(1) has not been convicted of a felony since the person's registration period began;

(2) has not been convicted of a subsequent sex offense;

(3) has successfully completed any period of supervised release, probation, or parole; and

(4) has successfully completed an appropriate sex offender treatment program certified by the department, a local sentencing court, or by the United States Attorney General.

(g) The department shall ensure that an offender who is no longer required to register as a sex or violent offender is notified that the obligation to register has expired.

SECTION 23. IC 11-8-8-20, AS AMENDED BY P.L.216-2007, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 20. (a) The department may enter into a compact or agreement with one (1) or more jurisdictions outside Indiana to exchange notifications concerning the change of address, employment, vocation, or enrollment of a sex or violent offender between Indiana and the other jurisdiction or the other jurisdiction and Indiana.

(b) If the department receives information that a sex or violent offender has relocated to Indiana to reside, engage in employment or a vocation, or enroll in school, or that a sex or violent offender has been convicted in Indiana but not sentenced to the department, the department shall determine:

(1) whether the person is required to register;

(2) whether the person is defined as a:

(A) tier III sex offender; under IC 11-8-8-4.5; or

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(B) ~~tier II sex or violent offender; under IC 11-8-8-5;~~

(C) **tier I sex offender; or**

(D) **violent offender;**

~~(2)~~ (3) whether the person is a sexually violent predator under IC 35-38-1-7.5;

~~(3)~~ (4) the period the person will be required to register as a sex or violent offender in Indiana; and

~~(4)~~ (5) any other matter required by law to make a registration determination.

(c) After the department has made a determination under subsection (b), the department shall update the sex and violent offender registry web site and transmit the department's determination to the local law enforcement authority having jurisdiction over the county where the sex or violent offender resides, is employed, and attends school. The department shall transmit:

(1) the sex or violent offender's name, date of relocation, new address (if applicable), the offense or delinquent act committed by the sex or violent offender, and any other available descriptive information;

(2) **whether the person is defined as a:**

(A) **tier III sex offender;**

(B) **tier II sex offender;**

(C) **tier I sex offender; or**

(D) **violent offender;**

(3) whether the sex or violent offender is a sexually violent predator;

~~(3)~~ (4) the period the sex or violent offender will be required to register in Indiana; and

~~(4)~~ (5) anything else required by law to make a registration determination.

SECTION 24. IC 11-8-8-23 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 23. (a) This section applies to a tier I sex offender who seeks to have the offender's registration period reduced from fifteen (15) years to ten (10) years under section 19(f) of this chapter.**

(b) **A tier I sex offender may seek to have the offender's registration period reduced from fifteen (15) years to ten (10) years by filing a verified petition in:**

(1) **the court of conviction, if the offender was convicted in Indiana; or**

(2) **a circuit or superior court located in the county where the**

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offender's principal residence is located, if the offender was convicted in another jurisdiction.

(c) A petition filed under this section must briefly describe why the tier I sex offender is entitled to relief, making specific reference to the four (4) prerequisites for relief set forth in section 19(f) of this chapter.

(d) Upon receipt of a petition under this section, a court may:

- (1) summarily dismiss the petition if the petition does not entitle the tier I offender to relief; or
- (2) provide a copy of the petition to the prosecuting attorney and conduct a hearing on the merits.

A hearing may be set not less than thirty (30) days after the court provides a copy of the petition to the prosecuting attorney. The prosecuting attorney may attend the hearing and present evidence.

(e) The tier I sex offender bears the burden of proving by a preponderance of the evidence that the offender meets the four (4) prerequisites for relief set forth in section 19(f) of this chapter.

(f) If the court finds that the tier I sex offender has proved that the offender is entitled to relief under section 19(f) of this chapter, the court shall reduce the offender's registration period from fifteen (15) years to ten (10) years. If the court reduces the offender's registration period under this section, the court shall notify the department and the local law enforcement authority in the county. The department shall notify other relevant agencies and individuals, if applicable.

(g) If the court finds that the tier I sex offender has not proved that the offender is entitled to relief under section 19(f) of this chapter, the court may not reduce the offender's registration period.

(h) A person may file a petition under this section not more than one (1) time per year.

SECTION 25. IC 11-8-8-24 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 24. (a) This section applies to a:

- (1) tier III sex offender;
- (2) tier II sex offender;
- (3) tier I sex offender; or
- (4) violent offender;

who seeks to challenge a determination made in Indiana concerning the sex or violent offender's classification or registration period.

(b) This section does not apply to a sex or violent offender

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convicted in another jurisdiction who seeks to challenge a determination made in the other jurisdiction.

(c) As used in this section, "petitioner" means a person to whom this section applies who seeks to challenge a determination relating to:

- (1) the person's classification as a:
 - (A) tier III sex offender;
 - (B) tier II sex offender;
 - (C) tier I sex offender; or
 - (D) violent offender; or
- (2) the period the person is required to register as a sex or violent offender in Indiana.

(d) A petitioner who seeks to challenge the petitioner's classification or registration period may do so by filing a verified petition in:

- (1) the court of conviction, if the petitioner was convicted in Indiana; or
- (2) a circuit or superior court located in the county where the petitioner's principal residence is located, if the petitioner was convicted in another jurisdiction.

(e) A petition filed under this section must briefly and specifically describe why the petitioner is entitled to relief.

(f) Upon receipt of a petition under this section, a court may:

- (1) summarily dismiss the petition if the petition does not entitle the petitioner to relief; or
- (2) provide a copy of the petition to the department and the prosecuting attorney and conduct a hearing on the merits.

A hearing may be set not less than thirty (30) days after the court provides a copy of the petition to the department and the prosecuting attorney. The prosecuting attorney, the department, or both may attend the hearing and present evidence.

(g) The petitioner bears the burden of proving by a preponderance of the evidence that the petitioner has been wrongly classified or that the petitioner's registration period is incorrect.

(h) If the court finds that the petitioner has proved that the petitioner is entitled to relief, the court shall order the department to revise the petitioner's classification or registration period. The department shall notify other relevant agencies and individuals, if applicable.

(i) If the court finds that the petitioner has not proved that the offender is entitled to relief, the court may not order the department to revise the petitioner's classification or registration

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period.

(j) A petitioner may file a petition under this section not more than one (1) time per year.

SECTION 26. IC 11-13-3-4, AS AMENDED BY P.L.216-2007, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. (a) A condition to remaining on parole is that the parolee not commit a crime during the period of parole.

(b) The parole board may also adopt, under IC 4-22-2, additional conditions to remaining on parole and require a parolee to satisfy one (1) or more of these conditions. These conditions must be reasonably related to the parolee's successful reintegration into the community and not unduly restrictive of a fundamental right.

(c) If a person is released on parole, the parolee shall be given a written statement of the conditions of parole. Signed copies of this statement shall be:

- (1) retained by the parolee;
- (2) forwarded to any person charged with the parolee's supervision; and
- (3) placed in the parolee's master file.

(d) The parole board may modify parole conditions if the parolee receives notice of that action and had ten (10) days after receipt of the notice to express the parolee's views on the proposed modification. This subsection does not apply to modification of parole conditions after a revocation proceeding under section 10 of this chapter.

(e) As a condition of parole, the parole board may require the parolee to reside in a particular parole area. In determining a parolee's residence requirement, the parole board shall:

- (1) consider:
 - (A) the residence of the parolee prior to the parolee's incarceration; and
 - (B) the parolee's place of employment; and
- (2) assign the parolee to reside in the county where the parolee resided prior to the parolee's incarceration unless assignment on this basis would be detrimental to the parolee's successful reintegration into the community.

(f) As a condition of parole, the parole board may require the parolee to:

- (1) periodically undergo a laboratory chemical test (as defined in IC 14-15-8-1) or series of tests to detect and confirm the presence of a controlled substance (as defined in IC 35-48-1-9); and
- (2) have the results of any test under this subsection reported to the parole board by the laboratory.

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The parolee is responsible for any charges resulting from a test required under this subsection. However, a person's parole may not be revoked on the basis of the person's inability to pay for a test under this subsection.

(g) As a condition of parole, the parole board:

(1) may require a parolee who is a sex offender (as defined in IC 11-8-8-4.5) to:

(A) participate in a treatment program for sex offenders approved by the parole board; and

(B) avoid contact with any person who is less than sixteen (16) years of age unless the parolee:

(i) receives the parole board's approval; or

(ii) successfully completes the treatment program referred to in clause (A); and

(2) shall:

(A) require a parolee who is a sex or violent offender (as defined in IC 11-8-8-5) to register with a local law enforcement authority under IC 11-8-8;

(B) prohibit a parolee who is a sex offender from residing within ~~one thousand (1,000)~~ **five hundred (500)** feet of school property (as defined in IC 35-41-1-24.7) for the period of parole, unless the sex offender obtains written approval from the parole board;

(C) prohibit a parolee who is a sex offender convicted of a sex offense (as defined in IC 35-38-2-2.5) from residing within one (1) mile of the victim of the sex offender's sex offense unless the sex offender obtains a waiver under IC 35-38-2-2.5; ~~and~~

(D) prohibit a parolee who is a sex offender from owning, operating, managing, being employed by, or volunteering at any attraction designed to be primarily enjoyed by children less than sixteen (16) years of age;

(E) require a parolee who is a sex offender to consent:

(i) to the search of the sex offender's computer at any time; and

(ii) to the installation on the sex offender's computer or device with Internet capability, at the sex offender's expense, of one (1) or more hardware or software systems to monitor Internet usage;

(F) prohibit the sex offender from:

(i) accessing or using certain web sites, chat rooms, or instant messaging programs; and

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(ii) deleting, erasing, or tampering with information on the sex offender's computer that relates to the person's Internet usage; and

(G) prohibit the sex offender from loitering in public within five hundred (500) feet of school property, a public park, or a youth program center if children are present.

The parole board may not grant a sexually violent predator (as defined in IC 35-38-1-7.5) or a sex offender who is an offender against children under IC 35-42-4-11 a waiver under subdivision (2)(B) or (2)(C). If the parole board allows the sex offender to reside within ~~one thousand (1,000)~~ **five hundred (500)** feet of school property under subdivision (2)(B), the parole board shall notify each school within ~~one thousand (1,000)~~ **five hundred (500)** feet of the sex offender's residence of the order.

(h) The address of the victim of a parolee who is a sex offender convicted of a sex offense (as defined in IC 35-38-2-2.5) is confidential, even if the sex offender obtains a waiver under IC 35-38-2-2.5.

(i) As a condition of parole, the parole board may require a parolee to participate in a reentry court program.

(j) As a condition of parole, the parole board:

- (1) shall require a parolee who is a sexually violent predator under IC 35-38-1-7.5; and
- (2) may require a parolee who is a sex or violent offender (as defined in IC 11-8-8-5);

to wear a monitoring device (as described in IC 35-38-2.5-3) that can transmit information twenty-four (24) hours each day regarding a person's precise location.

(k) As a condition of parole, the parole board may prohibit, in accordance with IC 35-38-2-2.6, a parolee who has been convicted of stalking from residing within one thousand (1,000) feet of the residence of the victim of the stalking for a period that does not exceed five (5) years.

SECTION 27. IC 20-30-5.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

Chapter 5.5. Internet Safety

Sec. 1. Each school corporation shall include in the school corporation's curriculum for grades 3 and above instruction concerning safe usage of the Internet by children.

Sec. 2. The:

- (1) department shall develop guidelines; and

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(2) state board shall adopt rules under IC 4-22-2; concerning the instruction required under this chapter to assist teachers assigned to teach the material described in this chapter.

Sec. 3. Guidelines and rules adopted under section 2 of this chapter must cover:

- (1) safe online communication;**
- (2) privacy protection;**
- (3) cyberbullying;**
- (4) viewing inappropriate material;**
- (5) file sharing;**
- (6) the importance of open communication with responsible adults; and**
- (7) any other material that the department or the state board finds will assist children in using the Internet safely.**

SECTION 28. IC 34-24-1-1, AS AMENDED BY P.L.137-2007, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) The following may be seized:

(1) All vehicles (as defined by IC 35-41-1), if they are used or are intended for use by the person or persons in possession of them to transport or in any manner to facilitate the transportation of the following:

(A) A controlled substance for the purpose of committing, attempting to commit, or conspiring to commit any of the following:

- (i) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).
- (ii) Dealing in methamphetamine (IC 35-48-4-1.1).
- (iii) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
- (iv) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
- (v) Dealing in a schedule V controlled substance (IC 35-48-4-4).
- (vi) Dealing in a counterfeit substance (IC 35-48-4-5).
- (vii) Possession of cocaine or a narcotic drug (IC 35-48-4-6).
- (viii) Possession of methamphetamine (IC 35-48-4-6.1).
- (ix) Dealing in paraphernalia (IC 35-48-4-8.5).
- (x) Dealing in marijuana, hash oil, or hashish (IC 35-48-4-10).

(B) Any stolen (IC 35-43-4-2) or converted property (IC 35-43-4-3) if the retail or repurchase value of that property is one hundred dollars (\$100) or more.

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- (C) Any hazardous waste in violation of IC 13-30-10-4.
- (D) A bomb (as defined in IC 35-41-1-4.3) or weapon of mass destruction (as defined in IC 35-41-1-29.4) used to commit, used in an attempt to commit, or used in a conspiracy to commit an offense under IC 35-47 as part of or in furtherance of an act of terrorism (as defined by IC 35-41-1-26.5).
- (2) All money, negotiable instruments, securities, weapons, communications devices, or any property used to commit, used in an attempt to commit, or used in a conspiracy to commit an offense under IC 35-47 as part of or in furtherance of an act of terrorism or commonly used as consideration for a violation of IC 35-48-4 (other than items subject to forfeiture under IC 16-42-20-5 or IC 16-6-8.5-5.1 before its repeal):
 - (A) furnished or intended to be furnished by any person in exchange for an act that is in violation of a criminal statute;
 - (B) used to facilitate any violation of a criminal statute; or
 - (C) traceable as proceeds of the violation of a criminal statute.
- (3) Any portion of real or personal property purchased with money that is traceable as a proceed of a violation of a criminal statute.
- (4) A vehicle that is used by a person to:
 - (A) commit, attempt to commit, or conspire to commit;
 - (B) facilitate the commission of; or
 - (C) escape from the commission of;
 murder (IC 35-42-1-1), kidnapping (IC 35-42-3-2), criminal confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense under IC 35-47 as part of or in furtherance of an act of terrorism.
- (5) Real property owned by a person who uses it to commit any of the following as a Class A felony, a Class B felony, or a Class C felony:
 - (A) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).
 - (B) Dealing in methamphetamine (IC 35-48-4-1.1).
 - (C) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
 - (D) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
 - (E) Dealing in marijuana, hash oil, or hashish (IC 35-48-4-10).
- (6) Equipment and recordings used by a person to commit fraud under IC 35-43-5-4(10).
- (7) Recordings sold, rented, transported, or possessed by a person

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in violation of IC 24-4-10.

(8) Property (as defined by IC 35-41-1-23) or an enterprise (as defined by IC 35-45-6-1) that is the object of a corrupt business influence violation (IC 35-45-6-2).

(9) Unlawful telecommunications devices (as defined in IC 35-45-13-6) and plans, instructions, or publications used to commit an offense under IC 35-45-13.

(10) Any equipment, ~~used or intended for use in preparing, photographing, recording, videotaping, digitizing, printing, copying, or disseminating matter in violation of IC 35-42-4-4.~~ **including computer equipment and cellular telephones, used for or intended for use in preparing, photographing, recording, videotaping, digitizing, printing, copying, or disseminating matter in violation of IC 35-42-4.**

(11) Destructive devices used, possessed, transported, or sold in violation of IC 35-47-5.

(12) Tobacco products that are sold in violation of IC 24-3-5, tobacco products that a person attempts to sell in violation of IC 24-3-5, and other personal property owned and used by a person to facilitate a violation of IC 24-3-5.

(13) Property used by a person to commit counterfeiting or forgery in violation of IC 35-43-5-2.

(14) After December 31, 2005, if a person is convicted of an offense specified in IC 25-26-14-26(b) or IC 35-43-10, the following real or personal property:

(A) Property used or intended to be used to commit, facilitate, or promote the commission of the offense.

(B) Property constituting, derived from, or traceable to the gross proceeds that the person obtained directly or indirectly as a result of the offense.

(15) Except as provided in subsection (e), a motor vehicle used by a person who operates the motor vehicle:

(A) while intoxicated, in violation of IC 9-30-5-1 through IC 9-30-5-5, if in the previous five (5) years the person has two

(2) or more prior unrelated convictions:

(i) for operating a motor vehicle while intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5; or

(ii) for an offense that is substantially similar to IC 9-30-5-1 through IC 9-30-5-5 in another jurisdiction; or

(B) on a highway while the person's driver's license is suspended in violation of IC 9-24-19-2 through IC 9-24-19-4, if in the previous five (5) years the person has two (2) or more

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prior unrelated convictions:

- (i) for operating a motor vehicle while intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5; or
- (ii) for an offense that is substantially similar to IC 9-30-5-1 through IC 9-30-5-5 in another jurisdiction.

If a court orders the seizure of a motor vehicle under this subdivision, the court shall transmit an order to the bureau of motor vehicles recommending that the bureau not permit a motor vehicle to be registered in the name of the person whose motor vehicle was seized until the person possesses a current driving license (as defined in IC 9-13-2-41).

(b) A vehicle used by any person as a common or contract carrier in the transaction of business as a common or contract carrier is not subject to seizure under this section, unless it can be proven by a preponderance of the evidence that the owner of the vehicle knowingly permitted the vehicle to be used to engage in conduct that subjects it to seizure under subsection (a).

(c) Equipment under subsection (a)(10) may not be seized unless it can be proven by a preponderance of the evidence that the owner of the equipment knowingly permitted the equipment to be used to engage in conduct that subjects it to seizure under subsection (a)(10).

(d) Money, negotiable instruments, securities, weapons, communications devices, or any property commonly used as consideration for a violation of IC 35-48-4 found near or on a person who is committing, attempting to commit, or conspiring to commit any of the following offenses shall be admitted into evidence in an action under this chapter as prima facie evidence that the money, negotiable instrument, security, or other thing of value is property that has been used or was to have been used to facilitate the violation of a criminal statute or is the proceeds of the violation of a criminal statute:

- (1) IC 35-48-4-1 (dealing in or manufacturing cocaine or a narcotic drug).
- (2) IC 35-48-4-1.1 (dealing in methamphetamine).
- (3) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled substance).
- (4) IC 35-48-4-3 (dealing in a schedule IV controlled substance).
- (5) IC 35-48-4-4 (dealing in a schedule V controlled substance) as a Class B felony.
- (6) IC 35-48-4-6 (possession of cocaine or a narcotic drug) as a Class A felony, Class B felony, or Class C felony.
- (7) IC 35-48-4-6.1 (possession of methamphetamine) as a Class A felony, Class B felony, or Class C felony.

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(8) IC 35-48-4-10 (dealing in marijuana, hash oil, or hashish) as a Class C felony.

(e) A motor vehicle operated by a person who is not:

(1) an owner of the motor vehicle; or

(2) the spouse of the person who owns the motor vehicle;

is not subject to seizure under subsection (a)(15) unless it can be proven by a preponderance of the evidence that the owner of the vehicle knowingly permitted the vehicle to be used to engage in conduct that subjects it to seizure under subsection (a)(15)."

Page 11, line 28, delete "(a)".

Page 11, line 31, strike "and".

Page 11, line 32, strike "one thousand".

Page 11, line 33, strike "(1,000)" and insert **"five hundred (500)"**.

Page 11, line 37, delete "." and insert ";

(3) require the sex offender to consent:

(A) to the search of the sex offender's computer at any time; and

(B) to the installation on the sex offender's computer or device with Internet capability, at the sex offender's expense, of one (1) or more hardware or software systems to monitor Internet usage;

(4) prohibit the sex offender from:

(A) accessing or using certain web sites, chat rooms, or instant messaging programs; and

(B) deleting, erasing, or tampering with information on the sex offender's computer that relates to the person's Internet usage; and

(5) prohibit the sex offender from loitering in public within five hundred (500) feet of school property, a public park, or a youth program center if children are present."

Page 11, line 38, strike "one thousand".

Page 11, line 39, strike "(1,000)" and insert **"five hundred (500)"**.

Page 11, line 40, strike "one thousand (1,000)" and insert **"five hundred (500)"**.

Page 12, line 2, strike "one thousand (1,000)" and insert **"five hundred (500)"**.

Page 12, delete lines 3 through 29.

Page 13, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 11. IC 35-42-4-7, AS AMENDED BY P.L.1-2005, SECTION 228, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 7. (a) As used in this section, "adoptive parent" has the meaning set forth in IC 31-9-2-6.

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(b) As used in this section, "adoptive grandparent" means the parent of an adoptive parent.

(c) As used in this section, "armed forces recruiter" means a person who:

- (1) has been ordered, assigned, or directed to perform recruiting activities for any branch of the active, reserve, or guard components of the armed forces; and
- (2) engages in recruiting activities at a public or nonpublic school attended by a child who is alleged to be the victim of a crime under this section.

(d) As used in this section, "attending child" means a child who attends a school at which an armed forces recruiter engages in recruiting activities.

(e) As used in this section, "child care worker" means a person who:

- (1) provides care, supervision, or instruction to a child within the scope of the person's employment in a shelter care facility; or
- (2) is employed by a:

(A) school corporation; or

(B) nonpublic school;

attended by a child who is the victim of a crime under this chapter.

(f) As used in this section, "custodian" means any person who resides with a child and is responsible for the child's welfare.

(g) As used in this section, "nonpublic school" has the meaning set forth in IC 20-18-2-12.

(h) As used in this section, "school corporation" has the meaning set forth in IC 20-18-2-16.

(i) As used in this section, "stepparent" means an individual who is married to a child's custodial or noncustodial parent and is not the child's adoptive parent.

(j) If a person who is:

- (1) at least eighteen (18) years of age; and
- (2) the:

(A) guardian, adoptive parent, adoptive grandparent, custodian, or stepparent of; or

(B) child care worker for;

a child at least sixteen (16) years of age but less than eighteen (18) years of age;

engages with the child in sexual intercourse, deviate sexual conduct (as defined in IC 35-41-1-9), or any fondling or touching with the intent to arouse or satisfy the sexual desires of either the child or the adult, the

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person commits child seduction, a Class D felony.

(k) If an armed forces recruiter who is at least eighteen (18) years of age engages in:

- (1) sexual intercourse with an attending child;**
- (2) deviate sexual conduct (as defined in IC 35-41-1-9) with an attending child; or**
- (3) any fondling or touching of an attending child with the intent to arouse or satisfy the sexual desires of either the attending child or the armed forces recruiter;**

the armed forces recruiter commits child seduction, a Class D felony."

Page 14, line 21, strike "one thousand (1,000)" and insert **"five hundred (500)".**

Page 15, line 24, after "(a)" insert **"This section applies only to a person required to register as a sex or violent offender under IC 11-8-8 who has been:**

- (1) found to be a sexually violent predator under IC 35-38-1-7.5; or**
- (2) convicted of one (1) or more of the following offenses:**
 - (A) Child molesting (IC 35-42-4-3).**
 - (B) Child exploitation (IC 35-42-4-4(b)).**
 - (C) Possession of child pornography (IC 35-42-4-4(c)).**
 - (D) Vicarious sexual gratification (IC 35-42-4-5(a) or IC 35-42-4-5(b)).**
 - (E) Sexual conduct in the presence of a minor (IC 35-42-4-5(c)).**
 - (F) Child solicitation (IC 35-42-4-6).**
 - (G) Child seduction (IC 35-42-4-7).**
 - (H) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age and the person is not the child's parent or guardian.**
 - (I) Attempt to commit or conspiracy to commit an offense listed in clauses (A) through (H).**
 - (J) An offense in another jurisdiction that is substantially similar to an offense described in clauses (A) through (H).**

(b)".

Page 15, line 26, after "that" insert **"requires a person to register or create an account, a username, or a password to become a member or registered user of the program and".**

Page 15, line 26, delete "persons" and insert **"members or authorized users".**

Page 15, line 27, after "text." insert **"The term does not include an**

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electronic mail program or message board program."

Page 15, line 28, delete "(b)" and insert "(c)".

Page 15, line 32, after "(2)" insert **"requires a person to register or create an account, a username, or a password to become a member of the web site and to communicate with other members; (3)".**

Page 15, line 32, delete "person" and insert **"member"**.

Page 15, line 34, delete "(3)" and insert **"(4)"**.

Page 15, line 34, delete "person who visits the web site" and insert **"member with"**.

Page 15, line 35, after "person." begin a new line blocked left and insert **"The term does not include an electronic mail program or message board program."**

Page 15, line 36, delete "(c) A sex offender (as defined in IC 11-8-8-4.5)" and insert **"(d) A person described in subsection (a)"**.

Page 15, line 37, delete ":".

Page 15, line 38, delete "(1)".

Page 15, run in lines 37 through 38.

Page 15, line 39, delete "(A)", begin a new line block indented and insert **"(1)"**.

Page 15, line 40, delete "(B)", begin a new line block indented and insert **"(2)"**.

Page 15, line 41, block left beginning with "that".

Page 16, line 1, delete "; and".

Page 16, delete lines 2 through 4.

Page 16, run in lines 1 through 5.

Page 16, line 5, after "felony." insert **"However, the offense is a Class C felony if the person has a prior unrelated conviction under this section."**

(e) It is a defense to a prosecution under this section that the person:

(1) did not know that the web site or program allowed a person who is less than eighteen (18) years of age to access or use the web site or program;

(2) upon discovering that the web site or program allows a person who is less than eighteen (18) years of age to access or use the web site or program, immediately ceased further use or access of the web site or program."

Page 16, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 37. IC 35-42-4-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 13. (a) This section does not apply

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to the following:

- (1) A parent, guardian, or custodian of the child.
- (2) A person who acts with the permission of the child's parent, guardian, or custodian.
- (3) A person to whom the child makes a report of abuse or neglect.
- (4) A person to whom the child reports medical symptoms that relate to or may relate to sexual activity.

(b) As used in this section, "sexual activity" means sexual intercourse, deviate sexual conduct, or the fondling or touching of the buttocks, genitals, or female breasts.

(c) A person at least twenty-one (21) years of age who knowingly or intentionally communicates with an individual whom the person believes to be a child less than fourteen (14) years of age concerning sexual activity with the intent to:

- (1) gratify the sexual desires of the person or the individual; or
- (2) entice the individual to meet the person in another location;

commits inappropriate communication with a child, a Class B misdemeanor. However, the offense is a Class A misdemeanor if the person commits the offense by using a computer network (as defined in IC 35-43-2-3(a)).

SECTION 38. IC 35-42-4-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 14. (a) An offender against children (as defined in section 11 of this chapter) who, knowing that children are present, enters school property, a public park, or a youth program center commits child offender trespassing, a Class D felony.

(b) It is a defense to a prosecution under this section:

- (1) that the person entered the school property, public park, or youth program center to vote; or
- (2) that the person entered the school property to attend a meeting with school personnel relating to the person's child, if:
 - (A) the person notified the school that the person is an offender against children; and
 - (B) a school employee accompanied the person to and from the meeting.

SECTION 39. IC 35-45-4-5, AS AMENDED BY P.L.7-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2008]: Sec. 5. (a) As used in this section, "nudity" means the showing of the human male or female genitals, pubic area, or buttocks, or the showing of the female breast with less than a fully opaque covering of any part of the nipple.

(b) As used in this section, "peep" means any looking that is of a clandestine, surreptitious, prying, or secretive nature.

(c) As used in this section, "photograph" means photographing, filming, videotaping, or creating a digitized image. The term includes using a cellular telephone, a camera, a video camera, or any other type of video recording device to create an image.

~~(a)~~ (d) A person:

(1) who:

(A) peeps; or

(B) goes upon the land of another with the intent to peep; into an occupied dwelling of another person; or

(2) who peeps into an area where an occupant of the area reasonably can be expected to disrobe, including:

(A) restrooms;

(B) baths;

(C) showers; and

(D) dressing rooms;

without the consent of the other person, commits voyeurism, a Class B misdemeanor.

~~(b)~~ (e) However, the offense under subsection ~~(a)~~ (d) is a Class D felony if:

(1) it is knowingly or intentionally committed by means of a camera, a video camera, or any other type of video recording device; or

(2) the person who commits the offense has a prior unrelated conviction:

(A) under this section; or

(B) in another jurisdiction, including a military court, for an offense that is substantially similar to an offense described in this section.

~~(c) "Peep" means any looking of a clandestine, surreptitious, prying, or secretive nature.~~

(f) A person who, without the consent or knowledge of the other person:

(1) knowingly or intentionally photographs another person who:

(A) is in an area in which an occupant of the area reasonably can be expected to disrobe, including:

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- (i) restrooms;
- (ii) baths;
- (iii) showers; and
- (iv) dressing rooms; and

(B) is in a state of nudity;

commits photographic voyeurism, a Class B misdemeanor.

(g) This subsection does not apply to a person who consents in writing to be photographed in a state of nudity. A person who:

- (1) photographs another person who is in a state of nudity; and
- (2) knowingly or intentionally fails to destroy the image that was photographed after being requested to do so by the person who is the subject of the photograph;

commits photographic voyeurism, a Class C misdemeanor. It is not a defense to a prosecution under this subsection that the other person verbally consented to being photographed in a state of nudity.

(h) An offense described in subsections (f) and (g) is:

- (1) a Class A misdemeanor if the person who photographs the other person knowingly or intentionally shows the photograph to another person;
- (2) a Class D felony if the person who photographs the other person knowingly or intentionally:

- (A) publishes the photograph;
- (B) makes the photograph available on the Internet; or
- (C) disseminates the photograph electronically; and

- (3) a Class C felony if the person who photographs the other person has a prior unrelated conviction under subsection (f) or (g), or has a prior unrelated conviction in another jurisdiction for an offense that is substantially similar to an offense described in subsection (f) or (g).

SECTION 40. IC 35-45-10-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6. (a) This section does not apply to:

- (1) the parent, guardian, or custodian of a child;
- (2) a person acting with the permission of the parent, guardian, or custodian of a child; or
- (3) a person whose job requires the person to follow, pursue, or attempt to contact the child.

(b) A person who is at least twenty-one (21) years of age who knowingly or intentionally repeatedly:

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(1) follows;
 (2) pursues; or
 (3) attempts to contact;
 a child less than ten (10) years of age commits child stalking, a Class D felony.

(c) It is a defense to a prosecution under this section that the person reasonably believed that repeatedly following, pursuing, or attempting to contact the child was in the best interests of the child.

SECTION 41. IC 36-2-13-5.5, AS AMENDED BY P.L.216-2007, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5.5. (a) The sheriffs shall jointly establish and maintain an Indiana sex and violent offender registry web site, known as the Indiana sex and violent offender registry, to inform the general public about the identity, location, and appearance of every sex or violent offender residing within Indiana. The web site must provide information regarding each sex or violent offender, organized by county of residence. The web site shall be updated at least daily.

(b) Except as provided in subsection (f), the Indiana sex and violent offender registry web site must include the following information:

- (1) A recent photograph of every sex or violent offender who has registered with a sheriff after the effective date of this chapter.
- (2) The home address of every sex or violent offender.
- (3) The information required under IC 11-8-8-8.

(c) Every time a sex or violent offender registers, but at least once per year, the sheriff shall:

- (1) photograph the sex or violent offender; and
- (2) determine whether the sex or violent offender's fingerprints are on file:
 - (A) in Indiana; or
 - (B) with the Federal Bureau of Investigation.

If it appears that the sex or violent offender's fingerprints are not on file as described in subdivision (2), the sheriff shall fingerprint the sex or violent offender and transmit a copy of the fingerprints to the state police department. The sheriff shall place the photograph described in subdivision (1) on the Indiana sex and violent offender registry web site.

(d) The photograph of a sex or violent offender described in subsection (c) must meet the following requirements:

- (1) The photograph must be full face, front view, with a plain white or off-white background.
- (2) The image of the offender's face, measured from the bottom

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of the chin to the top of the head, must fill at least seventy-five percent (75%) of the photograph.

(3) The photograph must be in color.

(4) The photograph must show the offender dressed in normal street attire, without a hat or headgear that obscures the hair or hairline.

(5) If the offender normally and consistently wears prescription glasses, a hearing device, wig, or a similar article, the photograph must show the offender wearing those items. A photograph may not include dark glasses or nonprescription glasses with tinted lenses unless the offender can provide a medical certificate demonstrating that tinted lenses are required for medical reasons.

(6) The photograph must have sufficient resolution to permit the offender to be easily identified by a person accessing the Indiana sex and violent offender registry web site.

(e) The Indiana sex and violent offender registry web site may be funded from:

- (1) the jail commissary fund (IC 36-8-10-21);
- (2) a grant from the criminal justice institute; and
- (3) any other source, subject to the approval of the county fiscal body.

(f) **The:**

- (1) **photograph; and**
- (2) **home address;**

of a sex and violent offender whose registration period has expired shall be removed from any part of the web site that may be accessed by the general public.

SECTION 42. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2008]: IC 11-8-8-1; IC 11-8-8-6."

Page 16, line 6, after "IC 35-42-4-12," insert "**IC 35-42-4-13, IC 35-42-4-14, and IC 35-45-10-6, all**".

Page 16, line 7, after "IC 35-42-4-3," insert "**IC 35-42-4-7, IC 35-42-4-11, IC 35-45-4-5, IC 11-8-8-17, and IC 11-8-8-18, all**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1134 as reprinted January 30, 2008.)

STEELE, Chairperson

Committee Vote: Yeas 8, Nays 1.

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